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Greeter: Jim Hendryx

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TIGARD CITY COUNCIL  
MEETING

APRIL 12, 2005 6:30 p.m.

TIGARD CITY HALL  
13125 SW HALL BLVD  
TIGARD, OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

**A G E N D A**  
**TIGARD CITY COUNCIL MEETING**  
**APRIL 12, 2005**

6:30 PM

- **STUDY SESSION**
  - > **REVIEW OF THE CITY COUNCIL BUDGET**
    - Administration Staff
  - > **REVIEW OF BUDGET REQUEST FOR TOWN HALL AUDIO/VISUAL**
    - Administration Staff
  - > **DISCUSSION OF THE CITY MANAGER RECRUITMENT PROCESS**
    - Administration Staff
- **EXECUTIVE SESSION:** The Tigard City Council will go into Executive Session to discuss labor negotiations under ORS 192.660(2)(d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

1. **BUSINESS MEETING**
  - 1.1 Call to Order - City Council & Local Contract Review Board
  - 1.2 Roll Call
  - 1.3 Pledge of Allegiance
  - 1.4 Council Communications & Liaison Reports
  - 1.5 Call to Council and Staff for Non-Agenda Items
2. **PROCLAMATION:** Proclaim April 29, 2005 as Arbor Day
  - Mayor Dirksen
3. **CITIZEN COMMUNICATION (Two Minutes or Less, Please)**
  - Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
- 4.1 Approve Council Minutes for February 15 and 22, 2005
  - 4.2 Receive and File:
    - a. Council Calendar
    - b. Tentative Agenda
  - 4.3 Adopt a Resolution Authorizing the City Manager to Submit to OPRD an Application for State Funds Available through the State of Oregon's Lottery Local Government Grant Program as a Means for Providing Matching Funds to Construct the Jim Griffith Memorial Skate Park – Resolution No. 05 - \_\_\_\_\_
  - 4.4 Approve the Issuance of a Request for Proposal for an Urban Renewal Public Outreach Program
  - 4.5 Approve the Issuance of a Request for Proposal for Urban Renewal
  - 4.6 Adopt a Resolution Approving the Use of MSTIP 3 Bike and Pedestrian Program Funds for the Tualatin River Pedestrian/Bike Bridge Project – Resolution No. 05 - \_\_\_\_\_
  - 4.7 Local Contract Review Board:
    - a. Award a Contract for the Construction of the SW O'Mara and Edgewood Streets Sanitary Sewer (Sewer Reimbursement District No. 31) to MJ Hughes Construction Inc.
    - b. Award a Contract for the Construction of the SW 117<sup>th</sup> Avenue Sanitary Sewer (Sewer Reimbursement District No. 34) to CR Woods Trucking, Inc.
    - c. Award a Contract for Slope Stabilization at Quail Hollow Subdivision to Elting, Inc.
    - d. Award a Contract for Stream Enhancement and Restoration Services to Ash Creek Forest Management, LLC, Henderson Land Services, LLC, and Harris Stream Services
- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

5. INTRODUCTION AND WELCOME OF THE DELEGATION FROM BALIKPAPAN AND SAMARINDA, INDONESIA
  - a. Staff Report: Public Works Staff
  
6. PRESENTATION ON TIGARD'S WATER SUPPLY OPTIONS
  - a. Staff Report: Public Works Staff
  - b. Council Discussion
  
7. CONSIDER A RESOLUTION DIRECTING THE PREPARATION OF A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED SW 79<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT (LID)
  - a. Staff Report: Engineering Staff
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 05 - \_\_\_\_\_
  
8. CONSIDER A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE GAS TAX FUND FOR THE 79<sup>TH</sup> AVENUE LID
  - a. Staff Report: Finance Staff
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 05 - \_\_\_\_\_
  
9. CONSIDER A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING AND ONE HOUSING PROJECT OPERATED BY TUALATIN VALLEY HOUSING PARTNERS
  - a. Staff Report: Finance Staff
  - b. Council Discussion
  - c. Council Consideration: Resolution No. 05 - \_\_\_\_\_

10. DISCUSS THE RENEWAL OF CONTRIBUTION OF FRANCHISE FEES FOR PUBLIC, EDUCATION, AND GOVERNMENT (PEG) ACCESS
  - a. Staff Report: Administration Staff
  - b. Council Discussion
11. REVIEW BRANDING SOLICITATION LETTER
  - a. Staff Report: Administration Staff
  - b. Council Discussion
12. COUNCIL LIAISON REPORTS
13. NON AGENDA ITEMS
14. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
15. ADJOURNMENT

AGENDA ITEM # Study Session  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE COUNCIL REVIEW OF COUNCIL BUDGET

PREPARED BY: Liz Newton JB for JPN DEPT HEAD OK cl CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Council review of the proposed Council budget for Fiscal Year 2005-06.

STAFF RECOMMENDATION

Review the list of proposed budget expenditures for FY 05-06 and modify as appropriate.

INFORMATION SUMMARY

As part of the budget process, City Administration staff prepares a requested budget for the City Council. The individual line items are based on past expenditures and any new programs Council has approved (such as the citizen leadership series.) Attached is a memo that lists line items by account number with the expenditure for the current budget year and the requests for FY 05-06.

OTHER ALTERNATIVES CONSIDERED

Modify the budget request

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

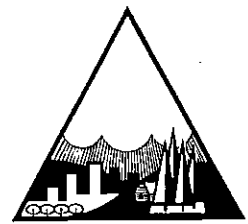
ATTACHMENT LIST

Memo from Liz Newton listing proposed expenditures by account for the City Council FY 05-06 budget.

FISCAL NOTES

The Council's requested budget will be submitted to the Budget Committee for review.

**MEMORANDUM**  
**City Administration**  
**CITY OF TIGARD, OREGON**



**TO:** Honorable Mayor and Council

**FROM:** Liz Newton, Assistant to the City Manager

**DATE:** April 4, 2005

**SUBJECT:** Council Budget Statistics by Account Number 3110

For your review, you will find a comparison of figures from last year and for FY2005/06. The list is broken down by department with a brief itemization by code.

<i>FY 2004-05 Estimated Expenditures</i>	<i>Account Description</i>	<i>FY 2005-06 Proposed</i>
601000: \$250	Interpreter service (for 1 Council meeting if needed)	\$250
612000: \$150	Tape recorders (2) & dictaphone for Cathy	\$150
613000: \$2,980	*Recognition, awards, florist (funerals, illnesses) from the Council *City promotional items (visitor gifts, small items for visiting school children) *City of Tigard logo pins *Resource Cities Exchange (Indonesia) *Citizen's Leadership Series *Citizen's Fair	\$2,150
615000: \$10	Pool Cars- Council share	\$21
620000: \$4,500	Copies (average is \$320/month = \$3840) Office supplies @ \$600/year	\$4,400
621000: \$750	Public Notices; Legal Notices	\$1,000

**FY 2004-05**  
**Estimated Expenditures**

**Account Description**

**FY 2005-06 Proposed**

<b>623000:</b>	<b>\$32,847</b>	<p>*Oregon Mayor's Association Dues (based on population) \$35,842</p> <p>*League of Oregon Cities (estimate from LOC 1/21/05)</p> <p>General Dues \$17,100.95</p> <p>City Center \$4018.50</p> <p>Transportation \$2232.50</p> <p>Amicus \$1786.00</p> <p>Water \$2679.00 (will be shown in the water fund)</p> <p>*National League of Cities</p> <p>*Other publications</p> <p>*Westside Economic Alliance</p>
<b>624000:</b>	<b>\$6,313</b>	<p>*NLC Conference in Charlotte, NC Dec 6-10 (\$6,588 category total)</p> <p>Per Diem - 3 councilors x 6 days @\$43/day (per GSA) \$774</p> <p>Hotel - 3 councilors x 5 nights @ \$160 \$2,400</p> <p>Airfare 3 councilors (we have already purchased one airfare for \$746  Sydney Sherwood that needs to be used)</p> <p>(\$373 roundtrip from web search)</p> <p>Shuttle service (roundtrip) 3 councilors \$150</p> <p>*LOC Conference (held in Eugene) November 10-12</p> <p>Hotel 2 days, 1 night \$150</p> <p>Per Diem 3 councilors for 3 days/\$43per day \$387</p> <p>Mileage (210 miles @.375/mile) \$79</p> <p>*Council meals before meetings for 4 councilors \$750</p> <p>*Business lunches/meetings for Mayor +1 &amp; \$500  Dinner for all of council after goal setting meeting</p> <p>*Oregon Mayor's Conference in Jacksonville, OR Aug 11-14</p> <p>Hotel \$300</p> <p>Per Diem \$43/day for 3.5 days \$151</p> <p>Mileage 536 miles @.375 \$201</p>
<b>625000:</b>	<b>\$3,200</b>	<p>*NLC Conference- Charlotte, NC for 3 councilors Dec. 6-10 (\$2,655 category total)  (Basic registration @\$450, pre-conference sessions @\$200) \$1,950</p> <p>*Oregon Mayor's Association Conference August 11-14 \$150  (Jacksonville, OR)</p> <p>*LOC Conference- Eugene, for 3 councilors November 10-12 \$555  (Registration \$185x3)</p>

**Computer Hardware & Software:** Nothing Budgeted



AGENDA ITEM # Study Session  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE: REVIEW OF BUDGET REQUEST FOR TOWN HALL AUDIO/VISUAL UPGRADES

PREPARED BY: Liz Newton *OB for GAN* DEPT HEAD OK CP CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Council review of the proposed upgrade to the sound system and video equipment in Town Hall.

STAFF RECOMMENDATION

Review the list of proposed expenditures and direct staff to include the necessary funds in the proposed FY 05-06 budget for consideration by the Budget Committee.

INFORMATION SUMMARY

IT staff has met with a vendor and received a proposal to upgrade the audio and video systems in the Town Hall.

OTHER ALTERNATIVES CONSIDERED

Modify the request.

Don't include the request in the FY 05-06 proposed budget.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

Memo from IT Technician, Chris Myers, describing the proposed upgrades.

FISCAL NOTES

The funds for the proposed upgrades would be included in the FY 05-06 proposed budget for consideration by the Budget Committee.

To: Liz Newton

From: Christopher Myers

Date: 03-28-05

Subject: Civic Studio Budget Information

Liz,

As requested I talked to the vendor regarding splitting the quote for the possibility of us doing the upgrade in phases. The audio systems are approximately \$20,000.00. For audio we would get an additional microphone system to include 2 hand held wireless, new amplifiers, and speakers. Video systems are approximately \$44,000.00 and control systems \$20,000.00. This would include a mounted power point projector and a drop down screen above and behind the Mayor for Citizen viewing. For council there will be flat panel monitors that will view presentations, DVD's and VCR tapes. To tie everything together there will be various control systems in Town Hall and in the studio control room. These figures include all the design, engineering, installation, labor and programming divided equally into the three categories.

It is difficult and more expensive to separate all the systems as they need to be integrated into the overall master design. To do this would mean a \$7,533.00 design fee each time we do another phase and extra construction and installation expenses. I would estimate a savings of \$35,000.00 to make the upgrades, design, and installation in one bid. Once the design is finished and approved, we can choose to purchase base systems and add peripherals later. That can be determined during design development.

I worked with Delta AV and the Engineer from TVTV when we went through our initial consultation to determine our needs. I expressed our needs to be very frugal on this upgrade and kept to the needs expressed in meetings with the City Manager.

In summary I recommend the City approve the bid for \$84,000.00 as it would be much cheaper in the long run to design, and complete the project. The city should be receiving \$56,000.00 back from MACC which could help offset the cost of this his project. If there are any questions please feel free to contact me.

Christopher Myers  
Network Technician/Civic Studio Producer – Director  
Information Technology

AGENDA ITEM # 2  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Read Arbor Day Proclamation

PREPARED BY: Matt Stine DEPT HEAD OK *MS* CITY MGR OK *CL*

ISSUE BEFORE THE COUNCIL

Proclaiming April 29 as Arbor Day in the City of Tigard for 2005.

STAFF RECOMMENDATION

Approve the proclamation.

INFORMATION SUMMARY

As part of the City's Tree City USA designation the Mayor and City Council must proclaim a day in each calendar year as Arbor Day. This is one of four standards that must be met in order to obtain and maintain the Tree City USA status. This year our Arbor Day celebration was at Metzger Elementary School where we planted nine native trees with approximately 100 fourth grade students.

OTHER ALTERNATIVES CONSIDERED

Do not proclaim April 29, 2005 as Arbor Day and risk losing Tree City USA status.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

ATTACHMENT LIST

Arbor Day proclamation.

FISCAL NOTES

No extra funds are requested or needed to proclaim Arbor Day as April 29, 2005.

# PROCLAMATION

**Arbor Day**  
**April 29, 2005**

**WHEREAS**, in 1872, Arbor Day, a special day set aside for the planting of trees, was first celebrated in Nebraska; and

**WHEREAS**, Tigard's urban forest of public and private parks and greenways is part of a larger ecology that spans from mountains to ocean and is integral to our region's water quality; and

**WHEREAS**, our urban forest includes a diversity of trees that grace our city streets, parks and greenways, provide habitat for wildlife, soften hardscapes, clean the air, protect water resources, and ensure that everyone can experience natural beauty where we live, work and recreate; and

**WHEREAS**, the City of Tigard recognizes that our urban forest is a necessity and is an integral part of the city's infrastructure and ecosystems; and

**WHEREAS**, we are committed to provide resources to maintain and enhance the urban forest; and

**WHEREAS**, people of all ages and backgrounds, including citizens, civic organizations, businesses and city agencies, have formed partnerships to participate actively in the stewardship and caretaking of Tigard's urban forest; and

**NOW, THEREFORE BE IT RESOLVED THAT** I, CRAIG DIRKSEN, Mayor of the City of Tigard, Oregon, do hereby proclaim April 29, 2005 to be:

## ARBOR DAY

in Tigard and encourage people throughout the entire city to become more involved with the planting and stewardship of the urban forest throughout the year of 2005.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

\_\_\_\_\_  
Craig Dirksen, Mayor  
City of Tigard

**Attest:**

\_\_\_\_\_  
City Recorder

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
FEBRUARY 15, 2005

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 6:30 p.m. to discuss labor negotiations ORS 192.660(2)(d).

1. WORKSHOP MEETING

- 1.1 Mayor Dirksen called the City Council & Local Contract Review Board meeting to order at 6:57 p.m.
- 1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports

Mayor Dirksen announced that the Downtown Task Force agreed on a street light standard for the downtown plan. He shared a photo of an example of the street light with the City Council.

- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. JOINT MEETING WITH THE PLANNING COMMISSION – COMPREHENSIVE PLAN UPDATE

Community Development Director Hendryx presented the staff report on this agenda item. An outline of the highlights of Community Development Director Hendryx's presentation to the Council is on file in the City Recorder's office. The scope of the presentation was as follows:

- a. Background
- b. Comprehensive Plan concept
- c. Program phases/process
- d. Specific areas of analysis critical for Tigard
- e. Public involvement program
- f. Direction needed for public involvement program

Mr. Hendryx noted the study area for the Comprehensive Plan needs to be determined. Should the study area include unincorporated areas of Bull Mountain and Metzger?

Tigard's Comprehensive Plan is acknowledged and has been updated to address new laws; however, the overall plan is dated. The Comprehensive Plan does not address annexed properties that have come into the City since its initial adoption in the 1980's.

Planning Commissioner Buehner was present. Commissioner Buehner advised that there has been a series of meetings during the last year to discuss the process of doing an update. In recent months, the Planning Commission has felt that the discussion of the Comprehensive Plan update has been placed on the "back burner." Commissioner Buehner said an update to the Plan is important and would be closely tied to the priorities identified by the City Council. The Plan also would impact the Downtown Plan. The consensus of the Planning Commission was that a Planning Commission representative come to the City Council to stress the importance of going forward with the Comprehensive Planning Update process. It is anticipated that an update would take three years to complete.

Commissioner Buehner advised the City Council that the current staffing is insufficient. She noted the update would entail development of an inventory (underlying work before going out to the public) and a number of months to get the Comprehensive Plan Task Force in place and "up to speed." A City Council decision to move forward is needed quickly if there is to be a meaningful analysis completed this year. Commissioner Buehner suggested two full time planners plus a part-time administrative assistant be hired for this effort. In addition, she recommended that a consultant be hired to develop a public involvement process. She noted a recent planning fee surcharge could be used to fund the consultant work.

Commissioner Buehner noted two decisions need to be made:

1. What is to be the study area? (existing City limits, unincorporated area, Areas 63 and 64)
2. What is the extent of the public involvement process?

The second year of the Comprehensive Plan update would be for public outreach and the third year would be devoted to developing a final document for presentation to the Planning Commission and the City Council.

Commissioner Buehner advised that is was the opinion of the Planning Commission to get started on the Comprehensive Plan update "right now."

In response to a question from Mayor Dirksen, Community Development Director Hendryx advised that staff has reviewed the Planning Commission proposal. Community Development Director Hendryx referred to the work program and advised that staff needs to know what the study area will be and what is the extent

of the public involvement to be utilized; will there be a task force formed for the Comprehensive Plan update?

Community Development Director Hendryx reviewed in more detail what would take place for a three-year work plan. The Plan cannot move more quickly because of the time required for a public involvement process.

City Council discussion followed on the amount of time this project would take. With regard to the question of the area to be included in the Comprehensive Plan update, City Council members asked about how much it would cost to include the areas identified for possible inclusion in the update. Community Development Director Hendryx noted that Washington County is putting together what it would cost for their involvement with the update for the Bull Mountain area. This topic will be discussed by the County Board in mid-March. Councilor Harding said she thought the planning for this area should be done for Bull Mountain regardless since in the long run it will cost the City more if the planning is not done now.

Councilor Wilson noted that the City would not be "starting from scratch" to develop inventories and identify what is needed to be addressed in the Comprehensive Plan. He suggested that focus should be on problem areas and areas where there are opportunities. He said it would be helpful to know "what needs to be fixed."

Community Development Director Hendryx reviewed a slide from his PowerPoint presentation outlining the major subject areas to be addressed in Tigard. He again noted the lack of planning for those areas that have already been annexed

There was discussion on a specific area – the Greenburg Road intersection at 99W. Commissioner Buehner advised that the Planning Commission has talked about changing this intersection and using 95<sup>th</sup> and 98<sup>th</sup> Avenues for routing. She said this area merits careful evaluation: land use, residential/mixed use and as an entrance into the City.

Community Development Director Hendryx commented that it's still unknown what the County will contribute for the planning for Bull Mountain and the Urban Reserve areas. The Intergovernmental Agreement (Urban Planning Area Agreement) needs to be revised. A number of questions that need to be answered will be "further along in another month." In the meantime, a lot can be done including inventories, establishing a task force, and identifying the citizen involvement.

There was additional discussion on the importance of planning for the Bull Mountain area with the debate still open about how this planning would be paid for. Mayor Dirksen said that Washington County is responsible for the long-range planning for Bull Mountain and the City needs support from the County. Councilor

Wilson said some of the City Council's concerns might be tempered if the City Council knew what the planning for Bull Mountain would cost – is it a significant amount? Community Development Director Hendryx said the cost will depend on “what the County brings to the table.” The County could decide to provide staff or to perform the needed inventories for the area.

Interim City Manager Prosser suggested that a work plan could be developed for the full area, which would identify the costs.

Discussion followed on the level of community involvement to be utilized. Councilor Wilson noted it would be inevitable that elements of the Comprehensive Plan will be controversial.

The first year will be devoted to “ground work” for the project. Public involvement process would start in mid-2006.

Councilor Woodruff noted he was disappointed that the update will take such a long time. He noted the value of the Comprehensive Planning process and that “some thorny questions need to be resolved.” He said in many areas he did not think the City would have to start from “ground zero.” He said a task force would be a good idea.

There was some discussion on whether the Planning Commission needs additional members.

Mayor Dirksen commented on citizen involvement. He noted that it seems that other communities, when doing Comprehensive Plan Updates, utilize the same model as the City of Tigard has done with its Downtown Task Force. There was discussion about a Comprehensive Plan Update Task Force with a suggestion that it be made up of Planning Commission representatives plus an equal amount of other citizens including representatives from Boards and Committees. The Mayor noted that the Citizens for Community Involvement Committee would be “obvious place to start.”

Commissioner Buehner advised that since she has been on the Planning Commission there have been four area updates to the Comprehensive Plan. These updates have taken a lot of staff and Commission time; this has been inefficient and she advised she would not want to see the update “put off.”

Interim City Manager Prosser summarized City Council direction he had heard so far:

On the public involvement process – more involvement rather than less, but City Council would like to keep its options open in terms of looking at cost



as part of the work plan. In terms of putting together the work plan, staff could assume a larger public involvement process.

Interim City Manager Prosser said it was his understanding that the City Council is interested in exploring options for a Task Force, but would like to see options for how it would be structured.

Councilor Wilson suggested considering members from Vision Task Force for the Comprehensive Plan Update.

Interim City Manager Prosser suggested that a Task Force be put together drawing from the Planning Commission, CCI, Vision Task Force, and perhaps some of the other Task Forces of the City. Mayor Dirksen clarified he would like to see representatives from each of the boards and committees. Community Development Director Hendryx said the Council could structure a task force made up of a variety of people, including members of the Vision Task Force; he noted the Vision Task Force has made a lot of suggestions on the Comprehensive Plan.

Interim City Manager Prosser said if the larger study area is decided upon, then people from the unincorporated areas would need to be involved.

Interim City Manager Prosser confirmed with the City Council that the program priority is to focus on the Downtown Plan and the Comprehensive Plan Update comes in next for long-range planning priorities. Mayor Dirksen said he could easily see where there will be a need for additional staff, whether those are people hired directly or if the City pays for some consultant time for the update.

Mayor Dirksen brought up the economic development component of the Comprehensive Plan Update. He said City Council has discussed for some time the need to have an Economic Development Department for the City. If staffing is increased for the Comprehensive Plan, this may evolve for FTE's needed over the long term.

Councilor Woodruff pointed out the possibility of using interns in this planning project.

Community Development Director Hendryx and Planning Manager Shields confirmed with Interim City Manager Prosser that they had the direction they needed on this agenda item.

Planning Commission membership was discussed briefly. City Council consensus was to leave the Planning Commission membership at nine members.

### 3. JOINT MEETING WITH THE TRANSPORTATION FINANCING STRATEGIES TASK FORCE

Transportation Financing Strategies Task Force (TFSTF) Members Present: Councilor Nick Wilson, Paul Owen, Joe Schweitz, Gretchen Buehner (Chair), Basil Christopher, Ralph Hughes (Vice Chair), and Connie Anderson.

City Engineer Duenas introduced this agenda item. The Task Force was reconstituted in July 2004. The Task Force has met several times since July. One of the things that Council President Wilson mentioned is that the Task Force needs to focus on what projects it needs to raise funds for. The Task Force is charged with evaluating funding sources for major street projects as well as sidewalk improvements and right-of-way maintenance. It was strongly recommended that the Task Force meet with the Council to get direction.

TFSTF Chair Buehner said that over the last several months the Task Force has been reviewing financing options. All options have pros and cons. The Task Force came to the conclusion that the most viable option was to look at a gas tax. The draft proposal uses the MSTIP model for this type of proposal to provide for a limited duration gas tax that would be tied to a specific list of projects and would automatically sunset in five years subject to being continued. The proposal would involve community outreach efforts to be led by members of the Task Force to get input on how much tax was appropriate (how much revenue needs to be generated), what projects would be on the list, and whether revenue bonds should be sold to jump-start the project. In the first year, there would not be a lot of revenue to do anything.

Ms. Buehner said that the Task Force comes to the Council with some specific questions and hoped the Council members have had an opportunity to read a prepared memo to review the pros and cons of this proposal. The Task Force would want to get the gas station industry involved in this discussion. Multnomah County has a substantially higher gas tax than Washington County. Tigard's gas stations are spread all over the City's portals (99W, Greenburg Road, Carmen Drive, etc.). The Task Force did an analysis of the gas prices all over the City and there is about a 15-cent difference for the same type of gas depending upon the station.

Ms. Buehner outlined the questions the Task Force asks the Council to consider:

- Does the Council support the concept of a local gas tax?
- If the Council thinks this is a viable idea, would the Council like the Task Force to follow up and use the MSTIP model for the public process?
- Should the Task Force prepare a work program to be implemented over the next several months that would include the development of an initial list of projects; i.e., determine if sidewalks would be included, come up

with a proposed ratio, develop a public input plan (open houses in different areas) that would require some City funding?

In response to a question from Councilor Woodruff, Ms. Buehner advised that the gas taxes now charged are:

Washington County:	1 cent
Multnomah County:	4 cents
State of Oregon:	24 cents

A list of cities that charge a gas tax was sent to the Council in the meeting packet materials. None of the cities in the immediate vicinity of Tigard have a gas tax. King City is considering a gas tax at this time.

Ms. Buehner explained that the City Engineer, upon request of the Task Force, did some research to find how much revenue is received by those cities that have a gas tax. This research was used as the basis of revenue estimates on Page 2 of the memo from the Task Force to the Council. The estimates are conservative. Mr. Duenas said the Oregon Department of Transportation would collect the gas tax for the City.

Ms. Buehner said the Task Force would want to go to the voters with this proposal as was done in the MSTIP model, which has been used successfully by the County. Determination of projects would be done through a public process. The final piece would be to limit this to five years to see if it works.

Councilor Wilson referred to Task Force efforts to consider every potential, conceivable revenue source. He said he has long been of the opinion that "we've got a cart and the horse thing going here." He said the Task Force was started the first time to study ways to get money for maintaining the streets and the City has since implemented the street maintenance fee. When the Task Force was reconstituted it was to try to figure out how to address some of the transportation problems. This year, the Council has set the Improve Highway 99W goal. Councilor Wilson said the gas tax idea is intriguing, but he would like to direct the Task Force efforts to study a lot of ways to address traffic issues in or surrounding Highway 99W and come up with some projects. Then, the City could look at the gas tax and/or bond measure, or joint State/City projects. He said it was difficult for him to support a gas tax without knowing what the funds would be used for.

Ms. Buehner said identifying the projects would be part of the implementation phase. The Task Force would start on the list and then get public input as to which of the projects they think are important. Under current financing, the City can afford to do about one semi-major project a year. A large project might take

two or three years. The gas tax could supplement capital improvement funding so specific projects could be completed.

Mr. Duenas referred to a couple of recommendations in the proposed Capital Improvement Program for next year. He said he is proposing a project to look at the entire 99W corridor. He referred to a TGM grant process – a preapplication was submitted today. If a grant is awarded, funding would be received in July. The project would not only include physical improvements (big or small) but also land use recommendations to make changes for improved traffic circulation.

Mr. Duenas said a review of Greenburg Road is also underway to evaluate alternatives to widening such as alternate routes to the downtown and limit access onto 99W.

Ms. Buehner said prior studies would be used as a starting point.

Mr. Duenas referred to the Hall and 99W intersection project. An alternatives analysis has been completed.

Mr. Duenas commented on the number of projects currently under consideration for 99W. The gas tax could be a way to get some of the projects going.

Councilor Woodruff noted that people would be more likely to acquiesce to something like a gas tax if specific needs have been identified, especially if they are convinced that those needs cannot be taken care of unless something is done to raise the money. Councilor Woodruff asked if the Task Force is asking for the “go ahead” to plan for the gas tax before the specific projects are identified. Ms. Buehner said the Task Force was asking to go through the process of identifying an initial list of projects, going to the public to determine how the public feels about the list and a possible gas tax and then coming back to the City Council.

Councilor Wilson said that a driving vision (sense of mission) is needed to get people excited and supportive of changes. He said “...you have to have that initial spark, that thing, that I think is missing here in particular for our big, overwhelming problems. Study them, get a great idea, a list of things you want to do and then say, how are we going to get them done? That's the way I'd like to proceed...”

Mayor Dirksen said he thought he could hear agreement between Ms. Buehner's proposal and Councilor Wilson's outline of how he would like to proceed. Mayor Dirksen said he agreed that if the City was to ask people to come up with money, the request should be based upon specific tasks that will be accomplished. This would draw the people into the process to help find a solution. He said he was hearing this is what the Task Force wanted to do and

was outlined in the memo from the Task Force. The first thing would be to identify a list of projects that are outside the scope of any funds available right now. Then, ask the public if they agree if the projects are important and which projects are the most important. Finally, ask the public how to go about funding the priority projects and offer the idea of the gas tax and ask the public what it thinks about that.

Councilor Wilson noted a bond measure was voted down several years ago that included a long list of projects. The "right" projects need to be identified. Task Force Member Schweitz said he didn't think the bond measure failed because of the list of projects, but failed because people didn't want a bond measure at that time. The original bond measure completed improvements on Greenburg Road and Durham Road and that measure was done the way the Task Force and Council members are suggesting. The list was made, it went to the public, and it was voted on. Mr. Schweitz said that this is not now being presented for a vote of the public, but for a vote of the Council. The idea is to get the public input first. Mr. Schweitz said, "...we are looking at pennies...we are not going to raise a lot of money...but it is something that can be used for projects that the people need, especially safety issues that the City has. This is something that you whittle away...even with the other tax revenues that we have coming in, things are changing and so we have to be on top of it. This is only one way and we've studied these other things....Again, can we do bond measures? We've ruled it out because of the community's feeling about it at this time, and so, what's left? Not a whole lot. And, so that's why we've come together with this, I believe."

A Task Force Member directed attention to Attachment B in the Council packet material. Proceeds of the gas tax for many of the cities are used for things other than for projects; i.e. maintenance. The people that live in these cities appear to be "ok" for using the money this way. He said he agrees that projects are great idea because it represents something to people that is tangible, but he didn't think it would be the only reason to collect a gas tax.

City Engineer Duenas said he thought there is a big need for making some sidewalk connections, especially to schools in residential areas. This type of project is always being brought up, but the City just doesn't have the funds. Therefore, the gas tax might not just be for 99W, but for items in the local community that people want to see happen.

Councilor Woodruff agreed that sidewalks are of concern and would be a reasonable project to propose. He said he was still puzzled and asked, "Are we saying...we've looked at surveys, talked to lots of people and these are the three things we think need to happen and aren't going to happen with the current money. And, they cost x-amount of money, and based on that, we want to go with a gas tax that will raise that x-amount of money to pay for that." Ms. Buehner said that is exactly what the Task Force is proposing. Councilor

Woodruff said he was fine with looking at that, whittling it down and coming up with the most exciting, necessary proposals to do. Once the costs of these projects are known, then determine how much money might be needed from a gas tax. Councilor Woodruff said the concept of the gas tax sounded all right to him if the public is convinced that certain projects would not happen unless funded by the additional money the gas tax would provide.

Ms. Buehner explained that the reason the Task Force is before the Council now is to find out if the Council thinks the Task Force is going in the right direction, and if so, can the Task Force continue to go out and do this research and analysis, come up with a list, and talk to people in the community. There will be some expenditure to set up meetings to talk to people.

Councilor Harding said she has concerns about the way the proposal has been presented. She referred to the cost "per capita" for the annual cost and questioned whether this was really true to what it would be for one person if that person bought all of their gas in Tigard. She said for a nickel gas tax, the cost might be for her and her husband about \$250 a year, not \$36. Care needs to be taken in how this is presented. She said it is a good thing to identify projects and to present the true cost.

Ms. Buehner noted that most of the funding sources reviewed would only be paid by City residents. A gas tax could also pick up revenue from motorists driving through and using Tigard streets. Mayor Dirksen said that this is a good point.

Ms. Buehner said that what she is hearing is that the Task Force should continue to do the research to try and work with the industry and come up with an initial list, then go out to the public and get their input. Mayor Dirksen said the research is important and also to acquire a visible level of community support.

Councilor Harding suggested monitoring what King City is doing over the next two or three weeks to see what comes of their consideration of a gas tax.

Mayor Dirksen noted instances where taxes are collected from citizens of Tigard by the federal government or the state, which are spent somewhere else. He pointed out that money collected and spent at a local level would mean the City would receive the benefit.

Councilor Harding suggested the Cityscape be used to communicate to citizens how their tax dollars are being spent.

A Task Force member agreed with Councilor Harding's earlier comment that the average cost for a Tigard motorist be more accurately stated. Councilor Woodruff noted he calculated that if you drive 12,000 miles per year and get 20

miles to the gallon, a five-cent tax would cost \$30. The Task Force was looking at a two- or three-cent per gallon tax.

The Mayor asked the Task Force go ahead and collect more data.

#### 4. WALL STREET UPDATE

City Engineer Duenas introduced this agenda item. He advised that the Wall Street Extension began with the Transportation System Plan (TSP) to connect Hunziker Street with Hall Boulevard. It is one of the key routes projected to carry 7,000 vehicles per day. It is proposed for construction with development. City Engineer Duenas recited additional background on Wall Street and the proposed LID. An outline of the highlights of City Engineer Duenas' presentation to the Council is on file in the City Recorder's office. The presentation contained information on the following:

- Reasons for Constructing Wall Street
- Reasons for the Local Improvement District
- The Local Improvement District Process
- Actions to Date (City Council Resolution No. 02-11; March 11, 2003 Interim Report; March 23, 2004 Preliminary Engineer's Report)
- Issues (At-grade crossing of two main railroad tracks; permits for crossing Fanno Creek, flood plain, and wetlands)
- Potential street alignments
- Hall Boulevard/Wall Street Project (city project – Phase 1; Phase 2 – remainder of Wall Street depends on formation of LID)
- Overview of Phases
- Wall Street Joint Access
- Current status for the at-grade railroad crossing is that approval is unlikely
- Environmental permits for Phases 1 and 2 have been obtained
- Comprehensive Plan Amendment application is in progress
- Options explored by the property owner to provide access to the interior property if crossing of the tracks does not occur
- View of industrial property vicinity map
- View of Wall Street options
- Council Direction Requested on the following:

Whether or not to –

- a. Continue with the hearing on the at grade railroad crossing
- b. Signalize the library entrance
- c. Construct Phase 1 of Wall Street to provide joint access to the library and Fanno Pointe

- d. Continue with an LID to build Wall Street across Fanno Creek to provide access to the interior property
- Staff Recommendations:
  - a. Withdraw the crossing application
  - b. Signalize the Library intersection
  - c. Construct Phase 1 of Wall Street
  - d. Regarding construction of Wall Street across the creek
    - Consider an LID to construct it short of the tracks
    - Have the developer construct that segment without an LID

Mr. Fred Fields introduced Mr. Bob Thompson from Group MacKenzie Architects and Engineering. Mr. Thompson referred to some exhibits including a regional map of the site. The Wall Street extension will provide access to Mr. Fields' property. Mr. Thompson described the options explored by Mr. Fields for property access. Other exhibits referred to by Mr. Thompson included an aerial photograph; an aerial photograph showing the topography – the site is relatively flat with about 30-80 feet of the western property line in the 100-year flood plain. A large portion of the site is developable. Access from Milton Court was mentioned, which would involve a permit from Metro. Mr. Thompson referred to some concept plans showing how the property could be developed. The property is currently zone I-L (light industrial). He noted one of the concepts would be to build light industrial buildings and described the needs for this type of development, which would significantly impact existing trees. Another concept would be to seek a zone change to I-P to allow office-type buildings, which would mean less truck activity and the smaller roof tops would mean that a much larger number of trees would be retained.

Councilor Harding requested clarification of the Milton Court access. Mr. Thompson described its location, noting NW Medical Teams is on Milton Court.

Mayor Dirksen said that in looking at the different options, including a zone change, he wondered if Metro would accept this. Mr. Mike Wells (a colleague of Mr. Thompson) responded that there had been a brief discussion with Metro staff. An I-P (industrial park) is a different type of industrial, which falls within Metro's goals for employment lands and Metro is open to this. Mayor Dirksen noted there has been recent controversy about jurisdictions attempting to convert industrial land for commercial purposes. Mr. Wells said one of the caveats is that the I-P zone in Tigard does allow a certain amount of retail and a large amount of retail would not be wanted. Mr. Wells said that if there was an application for an I-P zone there could be an overlay restricting it to no or very little retail. City Engineer Duenas said that he thinks the area is better suited for I-P considering what is already existing on Milton Court and the surrounding areas. The property along



Sequoia Parkway, developed by Pactrust is zoned I-P and some was used for retail (Home Depot), but much of it is one- or two-story "tilt up" with office.

Councilor Woodruff asked if the property was used only for office, so there would be no truck traffic, could Milton Court be the only access (and not extend Wall Street)? Mr. Wells said this would represent some challenges; Milton Court is currently a dead-end street and exceeds the Washington County standards for the length of a dead-end street. The area is large enough that it makes sense to provide for some interconnectivity. City Engineer Duenas said that a loop is always preferable, with access from two directions. Council Woodruff and Mr. Fields discussed that the access to the property 40 years ago. Mr. Fields said that it wasn't landlocked — on what is now the library property, there was a 20-foot easement (a farm road) and there was a small bridge across Fanno Creek. Mr. Fields purchased the two houses as well as a piece of vacant property for a total of 6-7 acres for access. He said when he sold the property for the library, he made sure he had access or he would have never sold the property.

In response to a question from Councilor Harding about access with or without the new library, Mr. Fields said when he sold the property for the library, he could have crossed the property at any point as long as he could have crossed Fanno Creek. As to the railroad, he said he remembered meeting 30 years ago with Burlington Northern and Southern Pacific; "...everyone said, yes, this sounds like a very practical thing to have a crossing at that point. But, of course, that was 30 years ago and a lot of it has changed since then — Union Pacific owns part of it, ODOT owns the other part of the railroad — so, you've got all sorts of ramifications..." Councilor Harding asked if the railroad granted any rights to Mr. Fields 30 years ago? Mr. Fields said "...no, there was nothing official about it. It was a concept and, at that time, I must admit that financially, it wasn't possible. I didn't have any money, neither did the City. But, we were trying to anticipate the development of the community for the future. And, I don't know whether you realize this, but I formed the LID that improved Hunziker Road, I put in the water district, I put in the sewer district. All of that was done by landowners' money; that wasn't done by the City. It's all been extended since — I'm not trying to take any proprietary position in this, but the point is, this has been an evolution over a long period of time...and, to answer your question Mr. Dirksen, that zoning...the consideration for changing that zoning...someone, I don't know who it was, whether it was someone local, but someone suggested that maybe an office complex would be more compatible than a residential area, and I'm not advocating one or the other. We'd like to get the thing moving. I'm not going to live forever...I think the real intent...there's no question but what we can get access to it. Gus and his people have gone through all of the motions with the Corps of Engineers to cross Fanno Creek and so forth. We haven't gotten across the two railroads yet. But, the point is, you've got a big block of property there — one mile square — directly across the street from City Hall and downtown. And, believe it or not, and I think we all believe, that Tigard is in a very strategic position. And, you've got a plugged up sink here with 99W backed

up against I-5 and...it needs all the help it can get to...get into a practical community.”

Mr. Wells added that the application to Metro has been submitted. It will be reviewed by the Parks Department of Metro to determine if they may cross over Metro's land to Milton Court. There's also a short stretch of city land off the end of Milton Court to which it would attach. This needs to go through the Metro process.

One of the benefits of crossing at this location is that it does avoid the flood plain and wetlands and is next to the rail line; thus, it has minimal impact to the overall Metro parcel. Mr. Wells said this location is a logical place for getting access from two different points. He said doesn't know for certain whether access could only come from Milton Court; no traffic studies have been done. Also, Tualatin Valley Fire & Rescue would have to have access for emergency vehicles. If there are a large number of employees in this area, it would have to be designed for safety.

Mr. Wells said another point to raise about the extension of Wall Street, is that if it is brought in under LID as a City street with a cul de sac at the rail, it does set up for an eventual crossing, whether it be a grade crossing – he agreed with City Engineer Duenas that the chances for a grade crossing are slim – but also connect to an over crossing, if that were to be put in place. He said in trying to work towards the City's vision of helping with traffic flow, this would set it up for an eventual connector that would break up that long block. The connection to Milton Court would also help for access on the west side of the rail.

Councilor Wilson asked how there could be an over crossing without cutting off access? Mr. Wells agreed that the geometry would be difficult, and “frankly, we have not had the engineers study that. We think the cost is a very difficult obstacle and technically it would be very challenging; i.e., expensive. There is also the technical possibility of lowering the rail bed to some extent to help with that geometry, but then again, that would be very expensive.” Councilor Harding commented that all options presented are very expensive. She said, “and, we've spent a lot now. And, as Mr. Fields said, it wasn't landlocked...” Councilor Harding advised she reviewed minutes from before and it appears the City has spent almost \$.5 million already pursuing this project. She referred to the railroad's comment that it is looking to eliminate at-grade crossings, not add them. With the commuter rail, the estimate is between 30-47 trips crossing at this location. Councilor Harding said she thought this was a difficult hurdle to cross both the railroad and the creek. She said she thought Mr. Field's offer to pay for the LID is magnanimous, but she noted the amount spent by the City already. She said, “...I don't think the we should shoulder the blame that this is not useable. I think that's a tough piece of land and I think you've probably already known that all along, hoping that something would happen that would work out.”

Blake Hering of Norris Beggs and Simpson Realtors said he is the owner of the utility industrial park built in 1970's in the subject area. Mr. Hering noted that in the

70's there was no problem with access or egress. Now, he has tenants who advise they may need to move because of traffic congestion on Hunziker and SW 72<sup>nd</sup>. This is hurting Tigard. This is what has happened over the last 25-30 years. Also, the rail spur provided an alternative mode of transportation and was used by Willamette Industries as a bargaining tool with truckers when there was talk of rate increases. Mr. Hering said in the last 30 years, he did not think more than four rail cars have used the spur. The spur is useless. But, that could be a great asset for the City of Tigard in terms of widening Wall Street to help with traffic on Hall Boulevard and 72<sup>nd</sup>. Councilor Woodruff and Councilor Harding commented about other problems with the traffic. Mr. Hering noted the need to plan for the future -- to look to what has happened in the last 30 years and then "...take yourself forward..."

Mr. Wells summarized the issues before the City Council:

1. Withdraw the crossing application?
2. Signalize the library intersection?
3. Construct Phase 1 of Wall Street?
4. What is proposed for the LID?

Mr. Wells said their question to the Council for discussion is a proposed LID to the tracks. If an LID to the tracks is formed with Mr. Fields it will "...get you one of two things: Either crossing over the rail or access via Milton. And, I think there is logic in taking that LID over to the rail...it doesn't solve all the problems today, but it sets it up to be more likely to solve the problems in the long-term future. This is a very difficult task to get good circulation to the Tigard Triangle, all the way down to City Hall. But, we need to take it one step at a time."

Mr. Fields agreed that "it's complicated, it's not easy, and it's not going to be cheap. And, that's the reason we didn't do it 40 years ago. But, as I say, the economics have got to the point where the land values can justify substantially more in the way of the costs of the road and so forth today. I know it's an expense to the City, but I'd thought we all had faced up to that when I sold the property for the library. In other words, I sold the property for the library with the understanding that they would assist and do everything possible to get that road out to Hunziker. I don't want throw anything around and...insist that the City do that...but we do have a contract and that is an important consideration I think somewhere along the line. I agree with Mike...If we go with the Wall Street up to the railroad and put a cul de sac there and divert the exit out to Milton Court, we've got that opportunity to eventually push it across the railroad. The railroad can be awfully demanding, or be awfully negative. But, at the same time, there are times when they are looking for favors, too. I've gone to Marty Brantley, who is the Director of Economic Development for the State. Gus and I, and Jim Hendryx, went down there about a year ago and he was very receptive. He says that they have quite a bit of money, like \$500 million, ...to develop and create jobs in the State of Oregon. And, that's

for development of properties in any community...So, he was the one...to suggest...that well, we've got some money down in Salem that could possibly help you with that issue...I have a feeling they would give quite a bit to help generate some employment in the State of Oregon. I asked him how much property you'd really have to have that would provide encouragement for the State to cooperate and what size of a piece property... He said, 'about 15 acres, how much is there out there?' I said, 'well there's almost 70 acres.' He said, '...we're all for that.' So, my point is that we have a couple of avenues we haven't really pursued at this point. It just seems to me that what we're doing, what we've been trying to do with it, is improve the transportation in the whole area. I could sell it off tomorrow, I don't have any problem in doing that, but I've had a thought in mind as to what the community would need for a long time. I've got some selfish reasons myself."

Mr. Fields commented that the LIDs for Hunziker and the formation of the water and sewer district in this area were all done before the incorporation of the City of Tigard and not for any great personal gain. Mr. Fields said, "I think it's the thing to do and I think that you people, as management for the City of Tigard have a great responsibility to see to it to do anything you can to cause this community to grow and thrive in a very basic, fundamental, practical way. You say it's expensive – 10 years from now it's going to be a lot more expensive...As far as the Milton Court access and roadways – if you're going to do that, it's not going to do anything for the traffic planning for Tigard...it'll get traffic in and out of the property, but it doesn't take care of any traffic problems. So, that's the reason it needs some really good, hard-nosed efforts...I solicited the help of the City when I agreed to sell the property for the library." Mr. Fields said, "...try to push the railroad for that crossing, if you're going to do anything about transportation...this is the only opportunity you're going to have to get someone to cooperate and pay for the bulk of the expense. I know you've spent a lot of money, but...I can't tell you over the years I've paid a pretty penny in just paying taxes...for the last 40 years."

Councilor Woodruff noted he appreciated all the work done by Mr. Fields and, if the City is required contractually, then it needs to be done. There isn't any need for discussion about whether or not it should occur. Councilor Woodruff said that some of the decisions were made by the City Council before he or Councilor Harding were part of the City Council. Councilor Woodruff said if it was just his personal opinion, he was not in favor in extending Wall Street. He said he thought Mr. Fields should get a return on his investment for the property. Councilor Woodruff said the library is the "...living room of Tigard. It is in a pristine location and there are a lot of people in the community that are telling us that we need to maintain the open space, we need to maintain the character of the community, and that's kind of a special place there at Fanno Creek. I'm not in favor of having a street go there. I'm not even too much in favor of Phase 1 unless I can be convinced that will benefit the library to do that. So, that's my personal opinion. And, I just think that it contributes to what we are being often criticized for, which is

just doing more and more development and taking away from the open space from the community. So, if there's a way to use that property, to get in through this other way and that you could get a return on your investment...I'm in favor of that. I'm even in less favor of this than I was before -- now that we're looking at this having to be a cul de sac...One of the main reasons that we talked about it was because of this improved traffic flow and we don't have that unless there is some kind of conclusion to the railroad crossing. So, that's my opinion, and I don't know what the official legal requirements are for us to move ahead...If there's no need for discussion, then why are we discussing?"

Mr. Fields said, "Now, just let me make one point. If you say, 'No, we're not going to do this now,' you know you're never going to get it. You're never going to improve it..." Mr. Fields said that it's not Hunziker that's plugged up -- it's Hall Street and 72<sup>nd</sup> Avenue. Mr. Fields said, "...I know everybody wants a greenway and that's fine, too. But, now you're talking about rezoning property when you're doing that."

Councilor Wilson said, "I'm really torn on this one. I've long-agreed with your proposition that Tigard is as messed up traffic-wise as it is because we have so few roads across Fanno Creek, the railroad and 217. In fact, I think you can go from Scholls Ferry to the Tualatin River and only cross nine roads, which makes a nice greenway, but it's horrendous for traffic....On the other hand, this is your private property and if you want to make it happen, you're going to make it happen. So, I guess I'm a little bit unclear as to the level of participation that you're asking from us and what the various options are." Councilor Wilson asked if Mr. Fields needs to acquire property from the City of Tigard or is that portion of Wall Street already dedicated in front of the library? City Engineer Duenas said it was dedicated right-of-way for Phase 1. Councilor Wilson said his question is, "At this point, what do you require of us? ...Do we withdraw the application even from the railroad...and, I'm not sure what criteria the railroad uses to make their decision, but it sounds like we don't meet it at this point, and so if that can't go through, it makes it less interesting. Although, your point that it sets it up for the future is well taken...I'm still on the fence on this one. But, I think this is the clearest...so far...to see the whole context. I can see the fact that it does make connections that don't exist now and could be helpful."

City Engineer Duenas said referred to the controversial Walnut Street Extension, going up Ash Creek. Councilor Wilson said he expects some opposition and noted "...that's between several crossings at grade, and they might be less likely to be opposed to it. And, if we push on this one and we come in with another one a year later, they will say, 'Well, we already gave you one.'..."

Councilor Harding said without the at-grade crossing, she did not see how it could be said that this makes the way for the future. She said that "we'd have to have it so that it actually extends and with that great hope that sometime in the next 20

years or 30 they would redo that intersection at 72<sup>nd</sup> and 217, but that's kind of been pushed way out there. At the moment, I can't see where we would totally improve traffic until...made the changes in that whole section with Dartmouth, 72<sup>nd</sup> and 217...When I hear the term 'right of eminent domain' that sounds pretty hefty to me coming from the railroad. And, we are looking to eliminating grade crossings, not add them...are we going to spend more money for nothing?"

Mr. Fields said that he would bear the brunt of the cost of an LID. The cost involved with continuing with the railroad crossing would be a matter of attending one or two more meetings. He said, "We may be turned down. We may have to take it to Salem and get some action from there, but that would be at the expense of the state government...The matter of the LID crossing Fanno Creek and going up to the railroad, certainly, that's going to be at my expense...the contract that you and I have sets limitations on what you're supposed to spend...I think you've promised...what goes on from here in the way of construction and so forth, that's really at my expense. I can't foresee a great deal more..."

City Engineer Duenas said that "part of the expense was doing Hall Boulevard and the first phase of Wall Street because quite a bit of the wetlands and the realignment of Pinebrook Creek is in that 425 feet. Crossing of Fanno Creek is another challenge, but again the Corps, DSL, and CWS have all issued permits for the whole thing...it's available to be built."

Mr. Fields said, "...What you're saying is that the bulk of that is going to be at my expense and not of the city's, am I saying that right?"

City Engineer Duenas said, "Correct, but what I am also saying is you could probably do it cheaper by just picking it up from where we leave off if we do the first 425 feet. Do it as a developer and build the road up to the tracks and then do the connection at Milton Court. An LID basically tacks on additional cost, it's just that you get a chance to prorate it over a ten-year period."

Mr. Wells said, "rest assured, that if I build that street, I am not going to build it in that alignment that sets up for the future. If I build that street, that's not an LID, I'm not going to build it so that it sets up as a cul de sac that will eventually go over the tracks, because that is a more expensive way to do it. It provides for the future, but it doesn't do anything for developing that particular tract."

City Engineer Duenas said he thought the most practical way to cross this area would be to raise the tracks and go under.

Councilor Woodruff asked if this property could be turned into a park? Mr. Fields said, "No. If you're interested in this, you would be No. 2 in line, because Metro has already spoken several times, and the answer has been the same...they said that...in the last two weeks...and they said that ten years ago. I'm not trying to be

bull headed, but as I told them, I don't think they could afford it. And they said, 'Why can't we afford it?' and I said, 'Because I'm a tax payer and you can't afford it.' And, that's not necessarily a laughing matter, but I don't want to give it...to the Metro group...somewhere you've got to have some tax base in this community and until you get some business and jobs created, how many thousands of dollars are you going to lose there in tax revenue for the City? ...From an economic point of view, I don't think it's very practical, but I guess you are representing the tax payers and, if you can afford it, then I guess that's ok..."

Councilor Woodruff noted that Councilor Sherwood has some opinions on this matter as well, but she was not able to be here tonight.

Interim City Manager Prosser said that tonight staff was looking for informal direction, which would be brought back to the City Council for ratification.

Mayor Dirksen said he personally disliked giving up on the idea of ever having a rail crossing there and being able to extend Wall Street for a connection in the Tigard Triangle. For future benefit of the area, he said he thought the City needed to leave that option open. Mayor Dirksen said he recognized in the short term that getting that crossing is unlikely; he would be willing to forego that in favor of taking the Wall Street extension across Fanno Creek to a cul de sac with the thought that in the future this might be possible. Dartmouth might also be extended. Mayor Dirksen said with regard to the issue of Mr. Fields' property and his use of it, his experience has been that increases in revenue from development of property rarely keep up with the responsibilities that occur from the development. However, Mayor Dirksen said that "I don't think that we can legally, or even morally for that matter, deny Mr. Fields the use of his property as he sees fit as long as it is within the confines of the law. I think it would be great if we could turn it into a greenspace...but, if Mr. Fields wants to develop it, that's his right as a property owner...I think there would be a problem in developing the property either industrial or for office if the only access were across Fanno Creek and Hall Boulevard...The compromise to me that seem logical is to provide that loop that goes from Hall Boulevard across and then tie into Milton Court. I don't even know whether that's even possible, it depends upon the negotiations with Metro... to cross that piece of property that they own. As a question, I'm curious, I know that your property includes some stream side corridor that's not going to be developable in any case and wondering if Metro would be interested in a transfer of property to allow you the right of way across the property they currently own in return for some stream site property of an equal amount, which I think would be beneficial all concerned." Mr. Wells said the suggested this in their application.

Mayor Dirksen said he would be in favor of withdrawing the crossing application with the caveat that some day in the future the City would revisit that. He clarified that he was on Council when the City was negotiating with Mr. Fields for the library and he said, "I know that the attitude of Council was for that in consideration in

return for purchasing the property that the City would do everything reasonable to a point of unreasonableness to see to it to get that access across over to Hunziker Street and I feel like we are contractually bound to make every effort to do that. But, recognizing that in the short term that may not be feasible. If Mr. Fields is willing to consider the alternative and consider that contract by us allowing the crossing of the creek and then...allowing the connection over to Milton Court, then I would think that would be your reasonable compromise. But, I feel that development of the property would need both of those connections to Hall Boulevard and over to Milton Court..."

City Engineer Duenas said that withdrawing the application at this point does not prejudice the situation. He said he thought the worse situation was to have the application denied.

Councilor Woodruff said, "Aside from that decision, I'm not sure what this debate is about. If it's a done deal. If Mr. Fields can do this without our blessing, or if we've already obligated that we are going to do this, then what are we making a decision on to give direction?"

Interim City Manager Prosser summarized the need for City Council direction on:

1. The withdrawal of the application for the railroad crossing.
2. Whether to work with Mr. Fields to form an LID to finance his portion of the extension of Wall Street to the cul de sac or whether that would be his own development. There are two options as to how and where that street would be developed.
3. Whether the City should go ahead and build the stub of Wall Street to the end of the City's property.

Mayor Dirksen said that he thought the portion that goes to the creek is needed, even if nothing else is done. The library and parking lot layout was based on assuming that would go through. Mayor Dirksen said the other thing was for access to the apartments to the south – this was to be their primary access. City Engineer Duenas said that ODOT insisted that the Fanno Pointe driveway on Hall be closed when the driveway is connected to Wall Street.

In response to a question from Councilor Wilson, City Engineer Duenas said it would have to be bid out and administered by the City. City Engineer Duenas confirmed that the extension would be more expensive if constructed through an LID. There was discussion on whether it would be better to form an LID or to have the developer construct privately. Mayor Dirksen said if it wasn't constructed through the use of an LID, then the City would give up the right to dictate the right of way to the point of where it would be useful for a future crossing for a connection to Hunziker. Interim City Manager Prosser said the advantage of an LID to the property owner is that it would provide access to lower-cost financing



because the City would issue tax-exempt bonds to help finance his portion and this would probably be lower-interest costs than he could get on his own.

Mr. Fields said that, "When we negotiated the library transaction, this was an obligation. Now, to withdraw that application for the railroad crossing at this point in time, I think that they would look upon that as 'well, they just gave up,' and the next time it comes up they'll just rubber stamp it and say, 'well, it'll go so far and they'll give up again.' I don't like the idea of giving up on that crossing. I'd like to pursue it through in Salem in whatever way we can to try to secure that now. Because, I think we have maybe some friendly people there now, but we have no way of knowing what we're going to get at some later point. Now, to go back, I want to be just about as straightforward as you have been, in that had I known that we were going to come to this point three years ago, I would not have sold the City the property for the library. I would not have done it. Everyone knows it was never for sale and the property behind has never been for sale...I don't mean to be objectionable, but my point is that we faced this whole thing three years ago and here we are facing it again..."

In response to a question from Councilor Wilson, City Engineer Duenas explained that the City applied for a crossing permit, which was contested by Portland Western. When there is a contested application, it goes to a hearing. Mr. Duenas said he thinks the railroad will show it will be hampered by this crossing. The reason the railroad objects is because they do they are switching at this location and the railroad says it needs one mile of track. Mayor Dirksen said he thinks this is a bad argument that the railroad is not entitled to. He said that when the railroad was given that right of way, it was to use as travel right of way. This is not a switching yard and they should have no reasonable expectation to use it as such.

City Engineer Duenas said there is a spur track for which Union Pacific has the easement rights. It is not being used for anything other than for parking some dilapidated cars. But, they won't give it up because they have it and they don't have to give it up.

Interim City Manager Prosser asked the City Engineer about the process to pursue the application for the crossing – how much time? City Engineer Duenas advised there is a prehearing meeting scheduled for April 15 and an issue will be the spur track that is in the way and what will be done to resolve that issue. There will need to be a realignment away from the spur track, which will be more expense and the issue will not be solved as to whether or not a crossing will be allowed. City Engineer Duenas said there would be no point of going through the exercise of realigning the road to avoid the spur track.

Mr. Fields asked if pursuing the application for the crossing would involve a lot of City money. City Engineer Duenas said yes it would – the City Attorney is the representative for the City. City Engineer Duenas said the City has gone through

a lot of process up until now submitting and reviewing documents. If a study is needed to realign the road, this will mean more expense.

Mayor Dirksen commented that is part of the concern. If the City continues to move forward, the City is incurring continual expense. He said, "It's hard to justify, not seeing a favorable outcome...If there was a reasonable expectation that we would be successful..."

Mr. Fields said, "Let's look at it – three years ago, we knew it was going to be difficult. We didn't anticipate that it was going to be a slam-dunk by any stretch...so, nothing has really changed."

Mayor Dirksen said that when he saw the presentation tonight showing the street dead-ending at the tracks, he thought Mr. Fields was considering this as an option – that Mr. Fields was bringing this to the City Council as a possible alternative.

Mr. Fields said, "But if you run it up to the tracks and then you divert a road down to Milton Court, that solves the practical problems..."

Mayor Dirksen said, "So, what you are suggesting that we do both...we do the development up to this point as such, but continue to pursue the crossing as well to its logical conclusion." Mr. Field said "yes." Mayor Dirksen said that "having been involved in originally in the contract with the library site...he feels we are contractually obligated to do so."

Councilor Woodruff said "If that's the case, let's just move on..."

Mr. Fields said "These are hard decisions to make and I still feel, and I may be wrong, but you've got traffic studies and everything else that support this...but you still need that crossing..."

Councilor Harding said "but...until the rest of that is done, it's going to add to the traffic..."

Mayor Dirksen said "You do what you can now, and you make sure that everything that you do is directed toward what needs to be done completely in the long run."

Councilor Harding said "That's why you need to look at the infrastructure; if they won't do grade crossings, then you look at the prospect of a bridge...but you say that's too expensive."

Mr. Fields said that "...my point on that one is...we've got so much allocated to make that railroad crossing – that's pretty expensive. Now, to elevate it or to...underground, we might be able to get the state to pick up that tab. I think

there's a good possibility of that happening...this is the time to do it because they say they've got \$500 million to enhance or develop..."

Councilor Harding commented she was wondering what the library was really costing the tax payers. She also questioned the amount of taxes paid by Mr. Fields in the last 40 years on the vacant land – she did not think it has been excessive. Mr. Fields noted taxes have been \$100,000 a year on the vacant property.

Councilor Wilson said Mr. Fields is going to develop his property one way or another. The real issue is to what extent is the City going to participate. He asked if there was a way to work with Mr. Fields to develop a "win/win?"

Mr. Fields said, "...it seems that the City has spent 95% of what they had to spend to make this thing..." Mayor Dirksen asked if this could be confirmed? City Engineer Duenas responded that "we have done 60% of the design all of the way to Hunziker; we've done 100% of the design up to 425 feet. So, the LID would pick up any additional costs if we go beyond that point." Mayor Dirksen asked about the legal requirements of pursuing the crossing. How much more is that likely to cost the City? City Engineer Duenas responded that there would probably be another prehearing meeting and then the actual hearing.

Councilor Wilson asked for clarification and said, "there's nothing we can do to prevent Mr. Fields from building a bridge across Fanno Creek?" City Engineer Duenas responded that "He can if he wants to." Councilor Wilson said, "Right, he's got the permits, if he wants to spend the money, he can do it, right?" City Engineer Duenas said, "Right."

Councilor Woodruff said the only choice for the City is whether we do Phase 1. He noted a bridge wouldn't do any good unless Phase 1 is completed.

City Engineer Duenas noted Phase 1 provides access for the library and allows for expansion of the parking lot.

Mayor Dirksen said it was his recommendation to move forward to Phase 1, which is a City project.

Mayor Dirksen said he didn't feel the City could withdraw the railroad application. Councilor Woodruff said if this is part of the good faith effort, then he agreed the application should not be withdrawn.

Mr. Fields said he thought this had been discussed and decided upon three years ago. He acknowledged this will be controversial.

Councilor Woodruff said he told the voters when he ran for office that he was not in favor of this extension. He said, "I am going to have to stick with the position that I had."

Mayor Dirksen said that in order to get a clear direction, this will need to come back to the City Council.

Interim City Manager Prosser said this will be rescheduled for a business meeting. He said if this item doesn't get scheduled on a Council agenda before the April 15 prehearing meeting, then he would assume the City would attend the prehearing.

City Engineer Duenas said that "Right now Phase 1 and the signalization is a City project...it's moving ahead. I'm just putting everything on the table so we can get some direction to stop it or continue it as a project."

Mayor Dirksen said, "At this point I don't hear a clear consensus around this table without a formal vote."

#### 5. STRATEGIC FINANCE PLAN DISCUSSION

This agenda item will be rescheduled to a future meeting.

#### 6. COUNCIL LIAISON REPORTS: None.

#### 7. NON AGENDA ITEMS

Administrative Items – The following items were reviewed briefly by Interim City Manager Prosser:

- Council Mail Delivery – mail will be held and delivered as part of the Friday newsletter and when agendas are distributed. The first packet of the month will be delivered by the Police Department as has been the past practice.
- March 1 Draft Agenda was approved by the City Council
- Council Calendar:
  - February 21: President's Day Holiday – City Hall Closed, Library Open
  - February 22: Council Business Meeting – 6:30 p.m. – Town Hall
  - February 28: Capital Improvement Program Tour 3-5 p.m.; Meet in the Permit Center Lobby
  - March 1: Special Council Meeting – 6:30 p.m. – Town Hall

- March 8: Council Business Meeting – 6:30 p.m. –  
Town Hall

8. EXECUTIVE SESSION: Not held.

9. ADJOURNMENT: 10:03 p.m.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

Attest:

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
February 22, 2005

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.

- STUDY SESSION

- > ADMINISTRATIVE ITEMS

- a. Mayor's Agenda was distributed. A copy of this agenda is on file in the City Recorder's office.
    - b. Council consensus was to rearrange the business meeting agenda so that the Ash Creek item (No. 10 on the agenda) will be heard by the City Council after Item No. 4.
    - c. Interim Finance Director Imdieke noted a title change for Agenda Item No. 8, the title should read: PUBLIC HEARING OF THE CITY COUNCIL/LCRB TO AMEND THE TIGARD MUNICIPAL CODE TO REFLECT CHANGES IN PUBLIC CONTRACTING RULES AND DECLARE AN EMERGENCY
    - d. Interim City Manager Prosser referred to and briefly reviewed a February 22, 2005, memorandum from Interim Finance Director Imdieke regarding an update on PERS rates. A copy is on file in the City Recorder's office.
    - e. Information on "Reasons to Support SB 730" was distributed to the Council. A copy is on file in the City Recorder's office.
    - f. Interim City Manager Prosser advised Council of an upcoming Brown Bag Lunch, Noon, March 4 in the Town Hall for former City Manager Bill Monahan. Mr. Monahan thanked the Council for asking him about a City-sponsored reception in his honor; however, he advised Interim City Manager Prosser that he would not want anything other than the lunch.
    - g. City Council received information (copy is on file in the City Recorder's office) about an MPAC Symposium on Annexation – February 23, 2005 – 5-7 p.m. Metro Council Chambers – 600 NE Grand Avenue, Portland, Oregon
    - h. Calendar Review
      - February 28: Capital Improvement Program Tour 3-5 p.m.; Meet in the Permit Center Lobby
      - March 1: Special Council Meeting – 6:30 p.m. – Town Hall
      - March 8: Council Business Meeting – 6:30 p.m. – Town Hall

- March 15: Council Workshop Meeting – 6:30 p.m. – Town Hall
- March 22: Council Business Meeting – 6:30 p.m. – Town Hall
- March 29: 5<sup>th</sup> Tuesday Council Meeting – 7 p.m. – Water Auditorium

> CITY COUNCIL ORIENTATION

- City Attorney Ramis reviewed the following topics:

1. Municipal Authority
2. Meeting Procedure and Public Meeting Law
3. Public Records and Public Retention

A copy of the outline of his presentation is on file in the City Recorder's office.

> UPDATE ON COMMUTER RAIL URBAN RENEWAL FEASIBILITY STUDY  
(Schedule and status of Downtown)

Community Development Director Hendryx updated the City Council on the status of the Washington County feasibility study analysis for the commuter rail urban renewal effort. Participants in this effort include the cities of Tigard and Beaverton, Washington County, and Tualatin Valley Fire and Rescue and the Tualatin Hills Parks and Recreation District. Mayor Dirksen is on the Policy Advisory Group with Councilor Sherwood attending meetings as an alternate. Community Development Director Hendryx advised the Council had received a briefing in January on this matter.

Community Development Director Hendryx overviewed the areas of main concerns, including:

- governance
- maintaining Tigard control (funding)
- how this effort relates to the Downtown Planning effort
- financial impacts to the General Fund
- public outreach

Mayor Dirksen and Councilor Sherwood commented on the County effort noting this was also related to the 217 corridor revitalization effort. There will be a need to incorporate the Downtown Plan. Tigard is considered an important component to the multi-jurisdictional effort. There was discussion on the need for this matter to be placed before voters and the timeline of what needs to be done for the May 2006 election.

Discussion then followed on the Downtown Plan. Community Development Director Hendryx distributed a chart entitled "Downtown Improvement Plan

Phases." A copy is on file in the City Recorder's office. The chart identified three phases:

1. Plans
2. Tools
3. Build

City Attorney Ramis noted the process should include ample opportunity for public involvement. There was discussion on process, which would include an opportunity for other taxing entities to review, public notice, a Planning Commission public hearing, and a City Council public hearing.

Requirements for urban renewal plans were discussed and Community Development Director Hendryx distributed language from ORS 457.085 – "Urban renewal plan requirements; accompanying report; contents; approval required." A copy is on file in the City Recorder's office.

Another City Council discussion, Community Development Director Hendryx advised, is scheduled for March.

In response to a question from Councilor Woodruff about tangible results that could be expected soon for the downtown, Interim City Manager Prosser advised that some capital improvement projects have been identified and recommended in the capital improvement program (CIP) for the upcoming fiscal year.

Councilor Wilson requested that when the consultant comes to the City Council to talk about urban renewal, that the consultant addresses how projects are selected for an urban renewal district.

- EXECUTIVE SESSION: Not held

The Study Session concluded at 7:28 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called City Council & Local Contract Review Board to order at 7:35 p.m.
- 1.2 Council Present: Mayor Dirksen; Councilors Harding, Sherwood, Wilson, and Woodruff.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None.
- 1.5 Call to Council and Staff for Non-Agenda Items



Mayor Dirksen asked all present to note that the public hearing for Ash Creek Estates, Agenda Item No. 10, would be moved forward to Agenda Item No. 5.

## 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Ken Henschel, 14530 SW 144<sup>th</sup> Avenue, Bull Mountain, 97224, addressed some comments he said were made at the last meeting regarding CPO4B. It was referred to at that time as the County Planning Organization 4B; it is the *Citizen Participation* Organization 4B. He clarified that this is not an official County organization; rather, it is sanctioned by the County. The organization exists to educate people within the CPO's boundary, which includes areas of Tigard as well as unincorporated Washington County. Issues affecting livability – especially land use are covered. Occasionally, the CPO membership decides to provide local government with information on where they stand on certain issues.

Mr. Henschel said he again invited the City of Tigard to participate in those meetings where it would be appropriate. Citizens would like representation from the City of Tigard to speak on issues that affect them.

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR 97244, stated she was before the City Council on behalf of the Tualatin Riverkeepers to invite the City Council, staff, and members of the public to a restoration tree planting project on Saturday, February 26, 2005, 9 a.m. – 1 pm. This project will take place on the Metro property, next to the new library property. The property consists of 11 acres of greenspace that Metro has purchased. She noted this is the property for which there is a proposed road to cross and she urged everyone to come see this "beautiful and special place and observe what we have there..." She said she wanted people to get a feeling of what it would mean to put a road through this property – what it would do to the habitat and vegetation. Ms. Gaut distributed an invitation to the City Council.
- John Frewing, 7110 SW Lola Lane, Tigard, OR 97223, noted that at the Parks Board meeting last week, Supervisor Dan Plaza presented a new proposal for parks acquisition as part of the CIP for the year 2005-2006. Prior public versions of the CIP showed no such expenditures. Mr. Plaza's proposal included the use of \$1.3 million in parks system development charges (SDC's), which have been collected from new construction within the Tigard City limits over the past years, for the purpose of buying ten acres outside the City limits on Bull Mountain. Mr. Frewing said that no park sites have been acquired inside the City during the past several years when this \$1.3 million has accumulated. The Board asked why funds raised inside City limits are not being used for

parks acquisition inside the City limits, which is seriously park-area deficient? Mr. Frewing said that Mr. Plaza said that the City policy has been that acquisitions only occur within the City, but that policy might be changing.

Mr. Frewing said that when Mr. Plaza was asked why these funds would not be spent in Tigard, Mr. Plaza replied, "That's the way it is." Mr. Frewing said that when Mr. Plaza was asked to suggest properties, the only plan Mr. Plaza had identifying potential parks was the white paper developed last year for Bull Mountain annexation. Mr. Frewing said his query to the City Council was threefold:

1. Why doesn't Tigard have a plan for parks acquisition within our City limits?
2. What is Tigard's policy on expenditure of Park SDC funds and what criteria are used? Mr. Frewing said he did not know of any policy adopted by City Council resolution or ordinance.
3. What citizen participation opportunity will be available as any change to this policy is developed?

Mr. Frewing said that in arguing against spending Tigard Parks SDC funds for acquisition outside the City, he reminded the City Council that the Development Code, 18.350.100 B.2. clearly states that for Planned Developments, not for subdivisions, the City "...may require additional open space dedication..." Mr. Frewing said that in view of the fact that Tigard Parks SDCs are not being collected on Bull Mountain, he urged that the City Council use "this provision energetically to acquire park space there where the City already has planning authority."

Mr. Frewing said he wanted to make an apology that stems from comments he made two weeks ago. He said he testified about a potential gift of some five acres to Tigard. He said that Tigard staff was informed of this potential gift, saying that Parks Supervisor Dan Plaza confirmed it to him in the summer of 2003. Later Mr. Plaza e-mailed Mr. Frewing saying it was not him and he felt that Mr. Frewing owed him a public apology. Mr. Frewing said, "I make that apology." Mr. Frewing said he now believed it was not Dan Plaza, but Planner Morgan Tracy, who confirmed this potential gift to Mr. Frewing. Mr. Frewing said that "Morgan told me then that the offer was forwarded to Parks and nothing more was heard of it. Perhaps that's why I thought Dan was involved. I do want to apologize to Dan Plaza for apparently hurting his feelings. But, I never did say it was Dan who turned down the offer of free parks. Dale Richards apparently did confirm this offer to Tigard in remarks by his attorney two weeks ago, but the story doesn't quite end there. At a Parks Board meeting last week, Dan Plaza mentioned to the Board that both the

Planning Commission and the City Council had been informed of this potential gift in the summer 2003. Now, all of you weren't on the Council, obviously, at that time. My question to you is, 'Who on Tigard staff, Planning Commission, or City Council considered this gift of free parks or open space and declined the offer and why. It is of more than historical interest as you have stated a major goal for this year of acquiring more parks and open space and the process which you use is of current public interest."

Mayor Dirksen said he could answer a couple of items presented by Mr. Frewing; other items will need research in order to be answered. Mayor Dirksen said the City Council, during its recent goal-setting discussion, recognized the limited amount of properties available for parks inside the City. City Council told the staff not to limit themselves to potential park property inside the City limits; but look inside the urban planning area as well. It is anticipated that eventually those areas will be inside the City and those areas could be developed as parks.

Councilor Wilson added that half of Bull Mountain is in the City, annexed over the years in numerous subdivisions. City Council anticipates more property on Bull Mountain to come in. The City Council's feeling was, "why wait until it's fully developed, when there is nothing left." Councilor Wilson agreed there were other park deficient areas in the City, but it has long been recognized that the Bull Mountain area – that quadrant of the City – is one of the most park-deficient areas, and he said he thought the Parks Master Plan noted this deficiency (although he said he would need to research this).

Councilor Woodruff agreed that the City Council has given direction to the staff and the Parks Board to begin to research aggressively what the City might do with the increased SDC funds. Interim City Manager Prosser clarified that the Capital Improvement Program will be before the City Council in March for review. Councilor Woodruff noted the City Council would review and make decisions about how to use those funds.

Councilor Sherwood noted that Tigard citizens in the Bull Mountain area have noted that they have paid SDC's and questioned why there were no parks in that area. These areas in Tigard are all developed with no land available for park land.

Mr. Frewing responded that the Parks Board commented last week that over the years there has been a lot of development on the "flat land" as well and yet the money that appears to be set forth in this 2005-2006 CIP Program is entirely on Bull Mountain. Mr. Frewing said, "I think the Parks

Board, and I'm putting words in their mouth – maybe shouldn't – they felt it should be spent over all of the City."

Councilor Sherwood told Mr. Frewing that the City Council has not had any meetings with the Parks Board. This Board is to bring recommendations to the City Council. She said that for Mr. Frewing to make an assumption "that we have already done that, is not fair, because we really haven't" Mr. Frewing said, "I'll hope you consider the whole City."

Councilor Wilson commented on open spaces, which are left over from development. He noted he was on the Planning Commission for about eight years prior to his service on the City Council. Councilor Wilson said he remembered PUD's with left over parcels and it was the City's policy at that time not to take those. Primarily, he thought this policy was implemented because of additional maintenance costs when, in fact, they would be cared for at the expense of the homeowners instead of the expense of the City. The end result was the same, the open space was preserved, except that it wasn't open for public access. Councilor Wilson said he doesn't know that this policy as changed, and he was not sure it should be changed. However, he said it would be worth reviewing and noted the great deal of concern about disappearing open space.

Councilor Woodruff noted he was concerned when Mr. Frewing "...made that comment at the last meeting. I guess I'm happy to hear that it was brought before the Council...before my time...Anytime that there's a possibility of donation of land, that Council be made aware of that."

Mr. Frewing advised he was sympathetic to the fact that there's probably some land that the City shouldn't pick up – it's dangerous or in someway not useable at all. But, there's a lot of other opportunities to gain open space, not necessarily soccer or baseball fields, through this provision in the Code. He said that is what he is "urging the City Council to do where it is feasible."

- Robert Ward, 7162 SW Barbara Lane, Tigard, Oregon, spoke to the City Council about his concern for livability with the increasing "densification" He noted there seems to be little sympathy for homeowners. He referred to 300' towers on Mcadam that were recently approved. He said citizens are speaking up more and said, "Don't forget about livability." Councilor Wilson noted the timeliness of Mr. Ward's remarks. Councilor Wilson advised that the City Council would be discussing issues with Metro later on this agenda. In addition, the Planned Development ordinance is under review due to the concerns expressed about this ordinance.

Discussion followed with regard to the Planned Development ordinance, which Mr. Ward said was confusing. Mayor Dirksen noted there are several issues to be considered on land use matters, including land use laws and specific court cases, which take away flexibility. Councilor Sherwood noted the City of Tigard will be performing a Comprehensive Plan Update and asked Mr. Ward to "stay tuned and stay involved."

3. CONSENT AGENDA: Youth Advisory Council President Rob Williams reviewed the Consent Agenda:

- 3.1 Approve Council Minutes for January 18, and 24, 2005
- 3.2 Approve Budget Amendment No. 9 to the Fiscal Year 2004-05 Budget to Increase Appropriations in the Library Department for Additional Hours of Operation to Re-Open the Library on Sundays – Resolution No. 05-09

A RESOLUTION APPROVING BUDGET AMENDMENT #9 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE LIBRARY DEPARTMENT FOR ADDITIONAL HOURS OF OPERATION TO RE-OPEN THE LIBRARY ON SUNDAYS

- 3.3 Local Contract Review Board:
  - a. Award Contract for the Construction of North Dakota Street Pedestrian Crosswalk
  - b. Approve Amendment to Engineering Services Contract for Murray Smith & Associates, Inc., for Design of a 550-Foot Zone Reservoir No. 2

Councilor Harding asked that Agenda Item 3.2 be removed for separate discussion.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda without Item No. 3.2.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

Discussion followed on Item 3.2:

- 3.2 Approve Budget Amendment No. 9 to the Fiscal Year 2004-05 Budget to Increase Appropriations in the Library Department for Additional Hours of Operation to Re-Open the Library on Sundays – Resolution No. 05-09

**A RESOLUTION APPROVING BUDGET AMENDMENT #9 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE LIBRARY DEPARTMENT FOR ADDITIONAL HOURS OF OPERATION TO RE-OPEN THE LIBRARY ON SUNDAYS**

Councilor Harding noted her concerns about using bequest dollars for staffing. She also advised of her concerns with the wording on a sign placed at the entrance of the library regarding reduced services because the levy did not pass. She advised she was not in agreement with the proposed resolution as presented to the City Council. She also noted she did not realize that consensus had been reached by the City Council on this item and was surprised to see it on the Consent Agenda.

Councilor Woodruff agreed that it is unusual to use bequest dollars this way; however, he pointed out that the Tigard family was willing to do this which was why he supports this action.

Councilor Harding expressed concern about opening the library on Sundays for a period of time and then needing to shut it down later.

Councilors Sherwood and Wilson made statements in support of Councilor Woodruff's idea that continuation of Sunday hours could be sorted out during the Budget process. During the discussion, it was pointed out that the dollars saved from library construction cannot be used for operation expenses (legal requirements).

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to approve consent Agenda Item 3.2 as presented.

The motion was approved by a majority vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	No
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

4. RECOGNIZE OUTSTANDING CITIZEN ASSISTANCE

Police Chief Dickinson presented the staff report on this item. He described the activity of several citizens who assisted the Tigard Police Department:

- Erik Ramseyer – for assistance resulting in the arrest of a theft and robbery suspect on December 22, 2004.
- Signe Martin – for assistance resulting in the arrest of a motorist driving under the influence on December 4, 2004.
- Tanner Ellenson – for assistance resulting in the arrest of a hit and run motorist that struck a pedestrian on December 21, 2004.
- Trevor Ellenson – for assistance resulting in the arrest of a hit and run motorist that struck a pedestrian on December 21, 2004.

Agenda Item No. 10 was considered at this point in the meeting.

5. CONSIDER INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF TIGARD AND TRIMET FOR THE ASSIGNMENT OF A FULL-TIME POLICE OFFICER TO THE TRANSIT POLICE DIVISION

Police Chief Dickinson presented the staff report on this item. Police Chief Dickinson responded to questions from Councilor Harding regarding what TriMet would fund and what costs would be borne by the City. The advantages and disadvantages are enumerated in the staff report; a copy is on file in the City Recorder's office.

Motion by Councilor Sherwood, seconded by Councilor Harding, to approve the Intergovernmental Agreement.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

6. CONSIDER BUDGET AMENDMENT NO. 8 TO THE FISCAL YEAR 2004-05 BUDGET TO ADD A FULL-TIME POLICE OFFICER POSITION AND INCREASE APPROPRIATIONS FOR FUNDING OF THIS POSITION

Police Chief Dickinson presented the staff report on this item. A budget amendment is now needed with the City Council's approval of the

Intergovernmental Agreement between the City of Tigard and TriMet for the assignment of a full-time police officer to the Transit Police Division. (see Agenda Item No. 5)

Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt Resolution No. 05-10.

**RESOLUTION NO. 05-10 – A RESOLUTION APPROVING BUDGET AMENDMENT #8 TO THE FY 2004-05 BUDGET TO ADD A FULL-TIME POLICE OFFICER POSITION AND INCREASE APPROPRIATIONS FOR FUNDING OF THIS POSITION**

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

**7. DISCUSS A PROPOSED RESOLUTION TO SUPPORT COLLABORATION WITH WASHINGTON COUNTY JURISDICTIONS REGARDING PROPOSED CHANGES TO GOAL 14 (URBANIZATION) AND THE URBAN GROWTH BOUNDARY ADMINISTRATIVE RULES, AND TO SUPPORT LOCAL CONTROL OVER THE LAND-USE PROCESS**

Interim City Manager Prosser advised that staff developed a draft resolution to attempt to address some of the issues discussed by Council previously.

Council discussion followed. Mayor Dirksen said that in reviewing the draft resolution he was not sure the issues were addressed. He noted concerns that the wording was not strong enough, but upon consideration he suggested that what might be needed is more than one resolution. The proposed resolution really addresses more the issue of collaborating with Tualatin and other cities. The City might want to consider the proposed resolution or a modification of the resolution at this time and then consider further steps to take in the future which addresses more directly the concerns by the City of Tigard.

Councilor Sherwood asked if Senate Bill 730 would address some of the concerns. Mayor Dirksen said the Senate Bill would address issues at a state level, but he didn't think it would conflict with the proposed action before the City Council. Councilor Sherwood suggested the Council consider a resolution supporting Senate Bill 730. Mayor Dirksen thought this might be something to consider in the future.



Councilor Wilson said he would be uncomfortable considering any resolution at this time. He noted this was the first opportunity for the Council to discuss Metro at all, other than the discussion at the previous goal-setting session. He said, "We're not happy. I'd rather discuss things at a policy level...what are our problems. While I appreciate our relationship with Tualatin...I think that our issues are slightly different and I'm not sure that they frame the problem entirely as it should be...I would rather just throw it out for discussion...about what our issues are."

Mayor Dirksen noted that Tualatin has requested another meeting between their Mayor and other cities to continue this discussion. He said that, "Perhaps, through that process we could further clarify what Tualatin would ask of us..." and then the Tigard Council could consider a resolution in support. Then, the Mayor suggested, in a separate discussion, the Council could discuss the issues pertinent to the City of Tigard. The Mayor said that one of the questions the City of Tualatin is asking is, "Are cities interested in continuing this discussion?"

Councilor Sherwood noted one of the biggest issues for Tigard is density. She said she thought the Mayor should continue with the discussion with Tualatin. She questioned whether a resolution would be the appropriate way to show support for Tualatin.

Interim City Manager Prosser said staff had understood there might be a timing issue; however, he was hearing from Council that more discussion is needed. He suggested looking at future tentative agendas to schedule a longer discussion at a workshop meeting to discuss and identify policy issues. After that, staff could redraft the resolution for Council consideration. Council agreed with Mr. Prosser to schedule this item for more discussion.

Mayor Dirksen will continue to go to the Tualatin meetings. He asked Councilor Harding if she would be available to attend some of the Tualatin meetings, which are usually held during business hours. She confirmed that she would be available.

Mayor Dirksen said that one of the outcomes the City of Tigard is looking for is for more flexibility when it comes to redrafting the Comprehensive Plan. Councilor Wilson said, "I think we need more than a change of heart at Metro. We need a Charter change or a new state law...because personalities have come and gone...it's structural. It seems almost really unlikely that much is going to change by the time we get our Comp Plan done...I'm a little uncomfortable in waiting two months to even discuss in broad terms our frustrations."

Mr. Prosser reviewed the tentative agenda with the Council and with some rearrangement of agenda items; this topic was scheduled for further discussion at the March 15, 2005, workshop meeting.

8. PUBLIC HEARING (CITY COUNCIL/LOCAL CONTRACT REVIEW BOARD) – TO AMEND THE TIGARD MUNICIPAL CODE TO REFLECT CHANGES IN PUBLIC CONTRACTING RULES AND DECLARE AN EMERGENCY

Interim Finance Director Imdieke introduced this item.

- a. Mayor Dirksen, as the LCRB Chair, opened the public hearing.
- b. Declarations or Challenges: None
- c. Staff Report: Finance Department Buyer Barrett reviewed the staff report; a copy is on file in the City Recorder's office. The proposed ordinance provides for the transition to new Public Contracting Rules, revises certain provisions in the Tigard Municipal Code relating to contracting authority, authorizes the adoption of revised Public Contracting Rules by resolution, and declares a state of emergency to ensure any revised Public Contracting Rules will be in effect in the appropriate time frame.
- d. Public Testimony: None
- e. Council/LCRB discussion followed. In response to Councilor/Board Member Harding, Mr. Barrett and Mr. Imdieke explained the need for the emergency clause on the ordinance. If the ordinance is not adopted by March 1, the City of Tigard purchasing process would fall under the Attorney General's Model Public Contracting Rules.

City Attorney Ramis also clarified the provisions of the ordinance that allow for some details on purchasing process to be done by a resolution; this would provide flexibility for revising the Public Contracting Rules.

- f. The staff recommendation was to approve the proposed ordinance.
- g. Mayor/LCRB Chair Dirksen closed the public hearing.
- h. Council/LCRB Consideration:

Motion by Councilor/Board Member Sherwood, seconded by Councilor/Board Member Woodruff, to adopt Ordinance No. 05-05,

ORDINANCE NO. 05-05 – AN ORDINANCE AMENDING THE TMC TO REFLECT CHANGES IN THE PUBLIC CONTRACTING RULES AND DECLARE AN EMERGENCY

The motion was approved by a unanimous vote of Council/LCRB Members present:

Mayor/Board Member Dirksen:	Yes
Councilor Harding/Board Member:	Yes
Councilor Sherwood/Board Member:	Yes
Councilor Wilson/Board Member:	Yes
Councilor Woodruff/Board Member:	Yes

9. LOCAL CONTRACT REVIEW BOARD PUBLIC HEARING – TO CONSIDER A RESOLUTION REVISING PUBLIC CONTRACTING RULES, FINDINGS SUPPORTING THE REVISED PUBLIC CONTRACTING RULES, AND A REVISED PURCHASING AND CONTRACTING MANUAL

- a. Mayor Dirksen/LCRB Chair opened the public hearing.
- b. Declarations or Challenges: None
- c. Staff Report: Finance Department Buyer Joe Buyer presented the staff report. The issue before the Council/LCRB was to consider approval, by resolution, of revised Public Contracting Rules, the supporting findings for the revised Public Contracting Rules, and the establishment of a revised Purchasing Contracting Manual.
- d. Public Testimony: None
- e. Staff Recommendation: Approve the proposed resolution presented to the City Council.
- f. Mayor/LCRB Chair closed the public hearing.
- g. Council Consideration: Local Contract Review Board Resolution No. 05-01

Motion by Councilor/Board Member Wilson, seconded by Councilor/Board Member Harding, to adopt LCRB Resolution No. 05-01.

LCRB RESOLUTION NO. 05-01 -- A RESOLUTION ADOPTING REVISED PUBLIC CONTRACTING RULES, RELATED FINDINGS, AND REVISED PURCHASING AND CONTRACTING MANUAL.

The motion was approved by a unanimous vote of Council/LCRB Members present:

Mayor/Board Member Dirksen:	Yes
Councilor Harding/Board Member:	Yes
Councilor Sherwood/Board Member:	Yes
Councilor Wilson/Board Member:	Yes
Councilor Woodruff/Board Member:	Yes

10. PUBLIC HEARING (QUASI-JUDICIAL) ASH CREEK ESTATES – LAND USE BOARD OF APPEALS (LUBA) REMAND - SUBDIVISION (SUB) 2003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037

The following description was read by the Mayor at the February 8, 2005, City Council Meeting:

**ITEM ON REMAND:** The State Land Use Board of Appeals (LUBA) has remanded City Council's approval of a 29-lot Planned Development Subdivision on 9.3 acres and associated Zone Change, Sensitive Lands, and Adjustment reviews for additional findings to support their decision. This hearing is limited to the four specific assignments of error which are generally: 1) The City's acceptance of lower "K" values in relation to the proposed vertical sag on SW 74<sup>th</sup> and demonstration that the City Engineer is authorized to approve such deviations to adopted street standards; 2) The requirement that the applicant prepare and submit a tree plan that identifies the size, species, and location of trees on the site, provide a removal plan, protection plan, and mitigation program in accordance with Tigard Community Development Code (TCDC) Chapter 18.790; 3) Revised findings are required for the proposed curb tight sidewalks on SW 74<sup>th</sup> Avenue and also for the cul-de-sac standards to address the relevant criteria of TCDC Chapter 18.370.C.11; and 4) Additional findings related to the landscape protection criteria of TCDC Chapter 18.745.030.E. A full copy of LUBA's Final Opinion and Order can be obtained from City Hall at cost, or is also available online at <http://luba.state.or.us/pdf/2004/aug04/03194.htm>. **LOCATION:** 9750 SW 74<sup>th</sup> Avenue; WCTM 1S125DC, Tax Lots 300 and 400. **ZONE:** R-4.5: Low-Density Residential District. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally. **APPLICABLE REVIEW CRITERIA:** Tigard Community Development Code Chapters 18.370, 18.745, 18.790 and 18.810.

- a. Mayor Dirksen noted this was a continuation of the Public Hearing opened on February 8, 2005.
- b. City Attorney Ramis noted that the City Council closed the oral portion of the testimony at the end of the last public hearing on this item. The City Council allowed a schedule under which participants in the hearing could submit additional written comments. The Council has received copies of the comments for review. City Attorney Ramis noted the City Council was at the stage of the hearing process wherein the City Council is to

deliberate. He noted that although the hearing is closed, the Council has new information; if the Council has any questions it would be within proper procedure for Council members to ask questions of staff. Staff may respond so long as no new information or issues are injected into the process through that interchange. If the City Council was to ask a question that resulted in new factual information, the City Council would need to create an opportunity for people to respond.

- c. City Attorney advised there was no need for declarations or challenges at this point in the proceedings unless there has been any ex parte communications since the last hearing on the subject.

Councilor Woodruff advised he made a site visit.

City Attorney advised that one communication came into the City Council from the City Parks and Building manager after the close of the period stipulated as a deadline for written testimony to be submitted to the City Council. City Attorney Ramis said the Council should not consider this communication dated February 18 during its deliberations.

- d. Summation by Community Development Department Staff: Associate Planner Tracy advised that since the February 8, 2005, City Council hearing, staff has received two written testimonies: one from John Frewing with several exhibits and the second from Alice Ellis Gaut. Those items raised several issues. Associate Planner Tracy said what it was important to realize is that LUBA has asked the City Council to consider four specific issues. The testimony that the City Council received covered a much broader spectrum of issues than what it was being asked to consider by LUBA. Since the written testimonies were received, a rebuttal by the applicant was submitted, which concisely addressed the issues before the City Council. The issues were limited to the authority for the City Engineer to deviate from street design standards in accepting a lower K value for the vertical sag; the lack of a tree plan in the original application; create the findings in support of granting the curb-tight sidewalks, cul de sac length, cul de sac number of units; and evidence in support to demonstrate the landscape protection criteria were being met. The applicant submitted the information in rebuttal addressing those applicable criteria in the Development Code and responding to the issues that LUBA raised. Based on the findings in the staff report, staff believes all the applicable criteria have been satisfied and there is no basis for denial. Associate Planner Tracy advised staff welcomes and would be happy to clarify any issues that the City Council may have with respect to the application or testimony.

In response to a question from Mayor Dirksen, Associate Planner Tracy advised staff recommends that the City Council adopt the proposed resolution, which had been submitted in the City Council meeting packet as Attachment 4.

- e. Councilor Wilson noted the staff report indicated that originally the applicant requested an adjustment on the street with regard to the K value. The applicant was told the adjustment was not necessary because the slope did not exceed a certain percentage over a certain number of feet. Councilor Wilson said that as he reviewed the adjustment criteria, it is not limited to slope and the criteria for granting the adjustment appears to easily be met with the circumstances that are present. Councilor Wilson was wondering why that information was not apparent.

Associate Planner Tracy responded that there was a distinction made in the Development Code. Certain criteria in the Development Code relating to streets are very specific. In Title 18 (the Development Code) there are standards relating to the grade – the amount of slope on a street for a certain amount of feet. This is different from K value, which is a design concept used in engineering for the degree of a curve, sag, or bend in the road. There are a number of criteria for designing streets that are not part of the Development Code. The criteria purposefully excepted from the Development Code are made part of the City of Tigard's design standards for streets – they are not a land use issue. LUBA has accepted the fact that no adjustment was required for the K value because it is not part of the Development Code. The question from LUBA was, did the City Engineer have the authority to approve something that does not meet the City of Tigard's design standards for streets? Associate Planner Tracy said that in looking at the design standards for streets, which is a separate document, it is implicit in those design standards that the City Engineer has that authority. Associate Planner Tracy said that the adjustment process that Councilor Wilson was referring to was irrelevant to the K value question.

Councilor Wilson summarized his understanding that the design standards they are not intended to cover every circumstance and there is some leeway for discretion. Councilor Wilson said also it was mentioned that the design standards were derived from the Washington County Standards and he could understand that every jurisdiction, especially smaller ones, would not have to "reinvent the wheel" as the AASHTO standards are recognized throughout the country as engineering standards for roads. Councilor Wilson asked for clarification of the relationship between the City of Tigard's standards, Washington County and AASHTO.

Associate Planner Tracy referred this question to City of Tigard Development Review Engineer McMillan. Ms. McMillan referred to the Design Standards document. The preface in that document states that the Washington County Uniform Road Improvement Design Standards have been used as a guide creating the standards. Therefore, the City of Tigard did not adopt the Washington County document "all out" as a standard, but it is used as a guide.

Councilor Woodruff asked about the tree protection steps, which was prepared in November. He inquired if staff believed this was adequate and would meet the concerns. Associate Planner Tracy said staff believes the tree protection steps are adequate because they were prepared by, not only a certified arborist, but in this case, a consulting arborist. Terry Flanagan is well renowned for his ability. Furthermore, Associate Planner Tracy noted that staff has imposed additional conditions of approval to insure that these steps are met by requiring that they be placed on the construction documents and additional steps taken during the building permit process, which is typically the missing link between the subdivision construction and home construction when the lots get turned over to builders. By imposing the conditions staff is recommending, it is insured that the tree protection requirements are passed on from the subdivider/developer to the homebuilders. There is a requirement that an arborist is to be involved throughout the whole process. Councilor Woodruff asked if Associate Planner Tracy believed that these things are being done in good faith and will they be followed? Associate Planner Tracy responded that there has been no tree protection established yet; however, an independent review of the arborist report, in terms of the accuracy of the report, has been verified by the City of Tigard's City Forester. So long as this particular arborist remains an integral part of this process then Associate Planner Tracy advised that, "Yes, I believe it will be followed."

Councilor Woodruff asked if the steps that have been laid out with regard to the tree plan are no less stringent than we would expect of any development? Associate Planner Tracy advised that in this case, because of its high profile and extreme scrutiny, these steps are a little more stringent than most.

- f. Mayor Dirksen closed the public hearing.

g. Council Consideration

Councilor Woodruff commented on the scope of the items of the LUBA remand. He asked if the three City Council members who presided over the initial approval were satisfied?

Councilor Wilson advised that when this matter came through the first time, it was equally controversial – one of three controversial subdivisions that year. The City Council made an error, according to LUBA when Council decided that the Code did not require a tree protection plan. The Council's reason for not requiring a tree protection plan was because the property was a registered wood lot with Washington County and the City of Tigard Code does not require a permit to harvest trees from a registered wood lot. The owners were authorized to cut the trees without permission. Councilor Wilson said that LUBA correctly pointed out that the requirement for a tree protection plan and the need for a tree removal permit are two different things. The City of Tigard Code says that a tree protection plan is required for a subdivision, "period." Councilor Wilson said when he first heard this point was remanded to Council, he was concerned the owner would cut down all the trees because that certainly would have been an option. He said, "I commend the developer for not doing that, but I think that by requiring the tree removal permit, we've satisfied that criteria... The subsequent issue of the landscape requirement has also been met. There are just two other remaining technical issues, in my opinion... I was a little uncomfortable with the ability of the City Engineer to arbitrarily sort of waive a rule or impose one, but I recognize that that's done all of the time... I think you have to sometimes make adjustments for topography and things like that. And, I think that the questions that LUBA has asked or sent back to us... the authority the Engineer has to make those sorts of decisions... I think that we need to determine whether that's been made or not. I think the fourth issue is a technicality.... that's my read on it. I'm satisfied that all counts have been met..."

Councilor Sherwood noted she was also on Council when this matter was considered previously. She noted there were several meetings regarding technical and emotional issues. Councilor Sherwood said she felt the developer had gone "above and beyond" to save and protect the area. She said she "felt that everything has been answered."

Mayor Dirksen said when the issue first came before the City Council, he felt that this type of development was exactly the kind of thing that Mr. Ward spoke about during the Citizen Communication. Because the developer has met all the legal requirements, there was no opportunity



for the City to deny this application outright. Mayor Dirksen noted the City placed 45-50 conditions on the development. When the remand was received from LUBA, he said he was concerned when he read the assignments of error. He believed that most of them, if not all of them, could be to a greater environmental impact if all of the assignments error were addressed in the broadest sense. He said, "meaning the broadest terms of the Tigard Development Code, particularly with regard to the slope angle on the street and the curb-tight sidewalks, which would require a greater amount of fill. Also, the tree issue was one I was concerned that not only this property owner would choose to harvest all the trees before developing, but this decision requiring this kind of a tree protection plan would encourage other property owners who have registered wood lots would also completely harvest their trees before bringing the piece of property up for development. I am still concerned that this could be an outcome of this. But, I am pleased to say that the developer has not chosen to do that. The property owner has not chosen to do that. And, I am also pleased that our staff was able to creatively reconcile and address the other assignments of error without increasing the impact. At this point, I think we have the best possible solution that is available to us to date. I will vote in favor.

Councilor Woodruff said that it looks if as if the proposed resolution will pass. Because of the high profile nature of this, the controversy, and passionate involvement on both sides, he would encourage staff to monitor this closely. To the developer he said it should be "really crystal clear that you're following this to the letter, because it is not only going to be looked at by us, but by other developers and if this doesn't go well, the next time...it's going to be that much harder..."

Councilor Harding said she was in disagreement with some of Engineering's recommendations. She said she understands that the City of Tigard's Engineer has the authority to make changes and to come up with his own conclusions outside of codes and regulations, but in observing this site, she said she still had great concerns about the sag and the grade. She commented about the true cost of fixing it later as opposed to requiring the infrastructure now (i.e., a bridge) or after monitoring to determine if the issues had been addressed. She also noted concerns about safety – whether people would slow down.

Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve Resolution No. 05-10.

RESOLUTION NO. 05-10 -- A RESOLUTION AND FINAL ORDER APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037) -- "REMAND," ADOPTING FINDINGS AND IMPOSING CONDITIONS.

The motion was approved by a majority vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	No
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

11. COUNCIL LIAISON REPORTS

12. NON AGENDA ITEMS

13. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

14. ADJOURNMENT

Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Harding:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

The meeting adjourned at 9:27 p.m.

Attest:

\_\_\_\_\_  
Catherine Wheatley, City Recorder

\_\_\_\_\_  
Mayor, City of Tigard

Date: \_\_\_\_\_

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# MEMORANDUM

## Administration



TO: Honorable Mayor and City Council

FROM: Cathy Wheatley

DATE: March 23, 2005

SUBJECT: Three-Month Council Calendar

Agenda Item No. 4.2a  
For Agenda of April 12, 2005

Regularly scheduled council meetings are marked with an asterisk (\*).

### April

- 4 Monday Special City Council Meeting (tentative schedule) – Library Community Room
- 6-7 p.m. – Review Council Goals – Work Plans
  - 7 p.m. – Social ½ Hour – Councils/Board/Public
  - 7:30 p.m. Joint Meeting with Tigard-Tualatin School Board and City of Tualatin City Council
- 12\* Tuesday Council Business Meeting – 6:30 pm, Town Hall
- 19\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
- 23 Saturday Downtown Task Force Open House – 9 a.m – 12 p.m. – Library Community Room
- 25 Monday Budget Committee Meeting – 6:30 pm, Library Community Room
- 26\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

### May

- 2 Monday Budget Committee Meeting – 6:30 pm, Library Community Room
- 9 Monday Budget Committee Meeting – 6:30 pm, Library Community Room
- 10\* Tuesday Council Business Meeting – 6:30 pm, Town Hall
- 16 Monday Budget Committee Meeting – 6:30 pm, Library Community Room
- 17\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
- 23 Monday Budget Committee Meeting – 6:30 pm, Library Community Room
- 24\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

**June**

- 14\* Tuesday Council Business Meeting – 6:30 pm, Town Hall
- 17-19 Friday –  
Sunday Tigard Festival of Balloons – Cook Park (See  
<http://www.tigardballoon.org/>)
- 21\* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
- 28\* Tuesday Council Business Meeting – 6:30 pm, Town Hall

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<b>Meeting Date:</b>	<b>April 19, 2005</b>	<b>Meeting Date:</b>	<b>April 26, 2005</b>	<b>Meeting Date:</b>	<b>May 10, 2005</b>
<b>Meeting Type/Time:</b>	Workshop/6:30 p.m.	<b>Meeting Type/Time:</b>	Business/6:30 p.m.	<b>Meeting Type/Time:</b>	Business/6:30 p.m.
<b>Location:</b>	City Hall	<b>Location:</b>	City Hall	<b>Location:</b>	City Hall
<b>Greeter:</b>		<b>Greeter:</b>		<b>Greeter:</b>	
<b>Materials Due @ 5:</b>	April 5, 2005	<b>Materials Due @ 5:</b>	April 12, 2005	<b>Materials Due @ 5:</b>	April 26, 2005
<b>Bid Opening Deadline:</b>	April 4, 2005	<b>Bid Opening Deadline:</b>	April 11, 2005	<b>Bid Opening Deadline:</b>	April 25, 2005
<b>Scan Deadline @ noon:</b>	April 1, 2005	<b>Scan Deadline @ noon:</b>	April 8, 2005	<b>Scan Deadline @ noon:</b>	April 22, 2005
<b>Req to Sched Due @5:</b>	March 18, 2005	<b>Req to Sched Due @5:</b>	March 25, 2005	<b>Req to Sched Due @5:</b>	April 8, 2005
<b>Televised:</b>	No	<b>Televised:</b>	Yes	<b>Televised:</b>	Yes
<b>Attorney Attends:</b>	No	<b>Attorney Attends:</b>	No	<b>Attorney Attends:</b>	Yes
		<b>Study Session</b>		<b>Study Session</b>	
Communication/Citizen Involvement Update - Liz - 30 min CCI - Jim H. - 15-20 min. Discuss Updating City Policies: Park Land 1. Park Land Donations Offered to City 2. Giving Developers Park SDC Credits & Establishing Criteria to be Used on Whether or Not the City Should Accept Donations or Give SDC Credits - Dennis K. - 30 min Discuss Urban Renewal Plan Elements - Jim - 60 min. Solid Waste Franchise Review - Dennis - 30 min. Strategic Finance Plan Discussion - Tom/Craig - 60 min		Executive Session - Labor Relations 102 - Health Insurance Rate Info. Disc. Sandy/Ken Bemis - 45 min. Review and Discuss Council Groundrules - Craig P. - 15 min.		Executive Session - City Manager Recruitment - Discuss Final Candidates - Sandy - 30 min Report to Council on Status of Street Maintenance Fee - TMC 15.20 - Tom I. - 10 min. Review Graphic Identity (Branding) Proposals - Liz - 15 min	
		<b>Consent Agenda</b>		<b>Consent Agenda</b>	
		Annual Solid Waste and Recycling Franchise Report - Dennis K. LCRB - Award Contract - FY 2004-05 Major Maintenance Program - Phase 2 - Gus LCRB - Award Contract - McDonald St. Improvements - Gus Tree Board & Building Appeals Board Appts. - RES - Liz Approve Purchase MDC Security Software & Hardware - LCRB? - Bill D. Budget Amendment #13 - MDC Software & Hardware - RES - Tom I.		Award Contract - Well Head Improvements at ASR 2 - Dennis K.	
		<b>Business Meeting</b>		<b>Business Meeting</b>	
		Proclamation - Be Kind to Animals - Joanne - 5 min Library Strategic Plan Update - PP - Margaret - 15 min Adopt Sections AN109.4.2 - AN109.4.3 - State of Oregon Special Code - Fire Sprinklers - ORD - Jim - 10 min. Metro Resolution - Jim H. - 20 min (ck. w/Jim - will a proposed resolution be attached) Amend OR Residential Specialty Code to include Demolition - ORD - Jim H. - 10 min		Update from the Youth Advisory Council - Liz - 10 min. PAL Presentation on Drug Resistance - Liz - 10 min. ODOT - Gus (Need RS)	

**Tigard City Council Tentative Agenda 2005**

<b>Meeting Date:</b> May 17, 2005 <b>Meeting Type/Time:</b> Workshop/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> May 3, 2005 <b>Bid Opening Deadline:</b> May 2, 2005 <b>Scan Deadline @ noon:</b> April 29, 2005 <b>Req to Sched Due @5:</b> April 15, 2005 <b>Televised:</b> No <b>Attorney Attends:</b> No	<b>Meeting Date:</b> May 24, 2005 <b>Meeting Type/Time:</b> Business/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> May 10, 2005 <b>Bid Opening Deadline:</b> May 9, 2005 <b>Scan Deadline @ noon:</b> May 6, 2005 <b>Req to Sched Due @5:</b> April 22, 2005 <b>Televised:</b> Yes <b>Attorney Attends:</b> No	<b>Meeting Date:</b> June 14, 2005 <b>Meeting Type/Time:</b> Business/6:30 p.m. <b>Location:</b> City Hall <b>Greeter:</b> <b>Materials Due @ 5:</b> May 31, 2005 <b>Bid Opening Deadline:</b> May 30, 2005 <b>Scan Deadline @ noon:</b> May 27, 2005 <b>Req to Sched Due @5:</b> May 6, 2005 <b>Televised:</b> Yes <b>Attorney Attends:</b> Yes
	<b>Study Session</b>	<b>Study Session</b>
Executive Session - City Manager Recruitment - Discuss Final Candidates - 30 min. Annual Court Report - Nadine - 20 min Update on Downtown Improvement Plan - Jim H - 40 min. Measure 37 - Jim - 20 min. Urban Services - IGA Review - Jim - 45 min. Friends of the Tualatin River Presentation - Jim H.- 20 min Metro Update on the 217 - Corridor Study - Jim H. - 30 min	Executive Session - City Manager Recruitment - Discuss Final Candidates - 30 min. Executive Session - Update on Real Property Acquisition - Dennis K. (Brian R.) - 15 min. Discuss Process for Interim City Manager Performance Review - Sandy - 10 min.	Executive Session - City Manager Recruitment - Discuss Final Candidates - 30 min. Exec. Session - (if criteria has been approved in a public meeting) - Interim City Manager Performance Review - Craig P/Sandy - 30 min.
	<b>Consent Agenda</b>	<b>Consent Agenda</b>
		Appoint Budget Committee Member(s) - RES - Liz
	<b>Business Meeting</b>	<b>Business Meeting</b>
	Solid Waste Rate Adjustment - PH - RES - Dennis K. - 15 min.	Certify City Provides Services Qualifying for State Shared Revenues - PH - RES - Tom - 10 min. Declare City's Election to Receive State Shared Revenues - PH - ORD - Tom - 10 min. Adopt Budget - PH - RES - Tom - 20 min. Adopt Citywide Master Fees and Charges Schedule - RES - Tom - 20 min.
Need RS on following Standing Item: PRAB - Dennis/Dan P	Need RS on following Standing Item: Downtown Task Force - Jim H.	

<b>Meeting Date:</b>	<b>June 21, 2005</b>	<b>Meeting Date:</b>	<b>June 28, 2005</b>
<b>Meeting Type/Time:</b>	<b>Workshop/6:30 p.m.</b>	<b>Meeting Type/Time:</b>	<b>Business/6:30 p.m.</b>
<b>Location:</b>	<b>City Hall</b>	<b>Location:</b>	<b>City Hall</b>
<b>Greeter:</b>		<b>Greeter:</b>	
<b>Materials Due @ 5:</b>	<b>June 7, 2005</b>	<b>Materials Due @ 5:</b>	<b>June 14, 2005</b>
<b>Bid Opening Deadline:</b>	<b>June 6, 2005</b>	<b>Bid Opening Deadline:</b>	<b>June 13, 2005</b>
<b>Scan Deadline @ noon:</b>	<b>June 3, 2005</b>	<b>Scan Deadline @ noon:</b>	<b>June 10, 2005</b>
<b>Req to Sched Due @5:</b>	<b>May 13, 2005</b>	<b>Req to Sched Due @ 5:</b>	<b>May 20, 2005</b>
<b>Televised:</b>	<b>No</b>	<b>Televised:</b>	<b>Yes</b>
<b>Attorney Attends:</b>	<b>No</b>	<b>Attorney Attends:</b>	<b>No</b>
		<b>Study Session</b>	
<b>Joint Meeting with Planning Commission to Review and Discuss the Tigard Downtown Improvement Plan - Jim H. - 90 min.</b> <b>Progress Report - Hall Blvd/Highway 99W Intersection Improvements - Gus- 20 min</b>			
		<b>Consent Agenda</b>	
		<b>Appoint (name) to the Library Board - RES - Joanne/Liz</b>	
		<b>Business Meeting</b>	
<b>Need RS on following Standing Item:</b> <b>IWB - Dennis K.</b>		<b>Need RS on following Standing Item:</b> <b>TVF&amp;R (who is staff lead?)</b>	



AGENDA ITEM # 4.3  
FOR AGENDA OF 4/12/05

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Council adopt resolution authorizing the City Manager to submit to OPRD an application for State funds available through the State of Oregon's Lottery Local Government Grant Program as a means for providing matching funds to construct the Jim Griffith Memorial Skate Park.

PREPARED BY: Dan Plaza, 2590 DEPT HEAD OK  CITY MGR OK \_\_\_\_\_

ISSUE BEFORE THE COUNCIL

Should Council adopt resolution authorizing the City Manager to submit to OPRD an application for State funds available through the State of Oregon's Lottery Local Government Grant Program as a means for providing matching funds to construct the Jim Griffith Memorial Skate Park.

STAFF RECOMMENDATION

Adopt resolution authorizing the City Manager to apply for a State of Oregon Lottery Local Government Grant.

INFORMATION SUMMARY

On November 16, 2004 the City Council agreed to appropriate matching funds from the City's Parks Capital Fund. On November 16, the Council also authorized the submittal of a State of Oregon Lottery Local Government Grant application administered by the Oregon Park and Recreation Department. The application is due on April 15, 2005. It is projected that the City should know if a grant has been awarded by July 1, 2005. If a grant is awarded and all the necessary fund raising has been completed, construction would begin in October 2005 and construction should be completed for the skate park to open in June 2006.

OTHER ALTERNATIVES CONSIDERED

Not apply for a grant.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

"Tigard Beyond Tomorrow"

- Parks and Greenways Goal #2 - Strategy #1 Acquire and develop parkland
- Recreation Goal #1 Partnerships will provide a wide range of leisure and recreation opportunities that are coordinated and available for the Tigard community

ATTACHMENT LIST

Attachment #1 Copy of authorizing resolution

FISCAL NOTES

n/a

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARK AND RECREATION DEPARTMENT (ORPD) OF AN APPLICATION FOR STATE FUNDS AVAILABLE THROUGH THE STATE OF OREGON'S LOTTERY LOCAL GOVERNMENT GRANT PROGRAM AS A MEANS FOR PROVIDING MATCHING FUNDS TO CONSTRUCT THE JIM GRIFFITH MEMORIAL SKATE PARK.

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WHEREAS, the ORPD has funding available through the State of Oregon Lottery Local Government Grant Program for projects such as the construction of the Jim Griffith Memorial Skate Park; and

WHEREAS, the City of Tigard desires to participate in this State Lottery Program as a means of partially financing the construction of the skate park; and

WHEREAS, the improvement specified above would provide a needed facility where the youth of Tigard can recreate; and

WHEREAS, the proposed skate park project is identified in the adopted Tigard Park System Master Plan; and

WHEREAS, the City hereby certifies that the matching share for this application will be readily available in FY 2005-2006

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Manager is authorized to apply for State of Oregon Lottery Local Government Grant funding assistance for the construction of the Jim Griffith Memorial Skate Park.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

AGENDA ITEM # 4.4  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Urban Renewal Public Outreach Program Request for Proposal

PREPARED BY: J. Hendryx DEPT HEAD OK [Signature] CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Should Council approve, on consent, issuance of a Request for Proposal (RFP) addressing Council's 2005 goal of revitalizing the Downtown, including urban renewal? The RFP would provide consultant services for preparing and implementing a public outreach program for the urban renewal plan leading to a May, 2006 election.

STAFF RECOMMENDATION

Authorize staff to proceed with issuing a Request for Proposal (RFP) to provide consultant services for preparing and implementing a public outreach program for the urban renewal plan leading to a May, 2006 election.

INFORMATION SUMMARY

City Council goals for 2005 include revitalizing the Downtown. That particular goal calls for completing and implementing the Downtown Plan and urban renewal implementation. Over the last two months, Council has been briefed on the legal requirements for urban renewal, including the City Charter requirement for an election in either November or May.

Consultant services are required to prepare a public outreach program for the urban renewal plan. Council gave direction at its March 22, 2005 study session to proceed with a Request for Proposal (RFP) to obtain consultant services for a public outreach program for an urban renewal plan leading to a May, 2006 election.

OTHER ALTERNATIVES CONSIDERED

Council may choose to postpone urban renewal and move the election date to November, 2006, or later.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character & Quality of Life; Central Business District (CBD) Goals, #1) Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the Central Business District.

ATTACHMENT LIST

N/A

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## FISCAL NOTES

Combined costs for consultant services to prepare a public outreach program and develop an urban renewal plan are estimated to be \$80,000, which would be paid from the General Fund.

AGENDA ITEM # 4.5  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Urban Renewal Request for Proposal  
PREPARED BY: J. Hendryx DEPT HEAD OK [Signature] CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Should Council approve, on consent, issuance of a Request for Proposal (RFP) addressing Council's 2005 goal of revitalizing the Downtown, including urban renewal? The RFP would be for consultant services for preparing and implementing an urban renewal plan leading to a May, 2006 election.

STAFF RECOMMENDATION

Authorize staff to proceed with issuing the Request for Proposal (RFP) leading to a May, 2006 election on urban renewal for the Downtown.

INFORMATION SUMMARY

City Council goals for 2005 include revitalizing the Downtown. That particular goal calls for completing and implementing the Downtown Plan and urban renewal implementation. Over the last two months, Council has been briefed on the legal requirements for urban renewal, including the City Charter requirement for an election in either November or May.

Consultant services are required to develop an urban renewal plan. Council gave direction at its March 22, 2005 study session to proceed with a Request for Proposal (RFP) to obtain consultant services for development of an urban renewal plan leading to a May, 2006 election.

OTHER ALTERNATIVES CONSIDERED

Council may choose to postpone urban renewal and move the election date to November, 2006, or later.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character & Quality of Life; Central Business District (CBD) Goals, #1) Provide opportunities to work proactively with Tigard Central Business District Association (TCBDA) businesses and property owners and citizens of Tigard to set the course for the future of the Central Business District.

ATTACHMENT LIST

N/A

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## FISCAL NOTES

Combined costs for consultant services to prepare a public outreach program and develop an urban renewal plan are estimated to be \$80,000, which would be paid from the General Fund.

AGENDA ITEM # 4.6  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Resolution Approving Use of MSTIP 3 Bike and Pedestrian Program Funds for the Tualatin River Pedestrian/Bike Bridge Project

PREPARED BY: A.P. Duenas DEPT HEAD OK A.P. Duenas CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Shall Council approve use of the City of Tigard's allocation of Washington County's MSTIP 3 (Major Streets Transportation Improvement Program) Bike/Ped funds as the City's local match for the Tualatin River Ped/Bike Bridge Project?

RECOMMENDATION

That Council approve, by motion, the attached resolution authorizing use of the City's allocation of the MSTIP 3 Bike/Ped funds for the Tualatin River Ped/Bike Bridge Project.

INFORMATION SUMMARY

The Tualatin River Pedestrian/Bike Bridge Project will install a 12-foot wide, 250-foot long pedestrian/bicycle bridge over the Tualatin River downstream of the existing railroad bridge between the cities of Durham and Tualatin. This pedestrian bridge is the southern terminus of the Fanno Creek Greenway Trail. The estimated project cost is \$1,390,000. Transportation Enhancement Funding through the Oregon Department of Transportation (ODOT) in the amount of \$990,000 has been approved for the project. Local matching funds are required and the balance of the estimated project cost is to be provided by the cities of Tualatin, Tigard, and Durham.

Tigard's share of the estimated project cost is \$250,125. The City's Parks SDC funds will provide \$57,528 of that amount. The balance of \$192,597 is proposed for funding through the City's allocation of MSTIP 3 Bike/Ped funds made available for local independent walkway and bikeway projects. The rules for use of those funds were revised on July 7, 2003 (see attached revised rules). Until the revisions were approved, the MSTIP 3 funding required a 50% local match, which made it difficult for some cities to use the funds available. The revised rules removed the matching requirement allowing use of the funds without any local match.

The City of Tigard's allocation of MSTIP 3 Bike/Ped funding is \$250,671. Because the Tualatin River Ped/Bike Bridge project cost is merely an estimate at this point, it would be prudent for the City to make available the entire MSTIP 3 allocation for that project until actual costs are determined after bid and construction of the project. The project construction is expected to begin in late 2005 and should be completed in calendar year 2006. The program guidelines require that each local jurisdiction's elected officials must approve the funding request prior to submittal to the County for approval. The attached resolution is submitted for City Council consideration approving use of the City's allocation of the MSTIP 3 Bike/Ped funds up to the available amount of \$250,671 for the Ped/Bike bridge project. If approved, the City will submit a project prospectus to the County requesting use of the MSTIP 3

Bike/Ped funds for the Tualatin River Ped/Bike Bridge Project. The County's Transportation Advisory Committee (TAC) will review funding requests at its April 28, 2005 meeting. If approved by the TAC, the request will be submitted for approval by the Coordinating Committee at its June 6, 2005 meeting.

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#### OTHER ALTERNATIVES CONSIDERED

None

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The construction of the Tualatin River Ped/Bike Bridge meets the Tigard Beyond Tomorrow Growth and Growth Management goal of *Provide for parks and alternative transportation (e.g., bike paths)*.

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#### ATTACHMENT LIST

1. Resolution approving use of MSTIP 3 Bike/Ped funds for the Tualatin River Ped/Bike Bridge Project.
2. Washington County's Bike and Pedestrian Program Guidelines, Part VI.

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#### FISCAL NOTES

The total estimated project cost is \$1,390,000. Transportation Enhancement funds from ODOT will provide \$990,000. Tigard's share of the project is \$250,125 with Parks SDC funds providing \$57,528 and the City's allocation of MSTIP 3 Bike/Ped funds providing \$192,597. The cities of Tualatin and Durham will provide the balance of the funding required.



**CITY OF TIGARD, OREGON**

**RESOLUTION NO. 05-**

**A RESOLUTION APPROVING USE OF THE CITY OF TIGARD'S ALLOCATION OF WASHINGTON COUNTY'S MSTIP 3 BIKE AND PEDESTRIAN PROGRAM FUNDS FOR THE TUALATIN RIVER PEDESTRIAN/BIKE BRIDGE PROJECT.**

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**WHEREAS**, the Tualatin River Pedestrian/Bike Bridge Project will install a pedestrian/bicycle bridge over the Tualatin River; and

**WHEREAS**, the bridge is the southern terminus of the Fanno Creek Greenway Trail; and

**WHEREAS**, the estimated project cost is \$1,390,000 with Oregon Department of Transportation (ODOT) transportation Enhancement Funds providing \$990,000 of that estimated cost; and

**WHEREAS**, the balance of the estimated project cost will be provided by the cities of Tigard, Tualatin and Durham; and

**WHEREAS**, the City of Tigard's share of the project cost is \$250,125 with Parks SDC funds providing \$57,528 of that amount; and

**WHEREAS**, the balance of \$192,597 is proposed for funding through the City's allocation of Washington County's MSTIP 3 (Major Streets Transportation Improvement Program 3) Bike/Ped funds; and

**WHEREAS**, the available funding for the City from those funds is \$250,671; and

**WHEREAS**, funding requests to the County must be approved by each local jurisdiction's elected officials prior to submittal to the County; and

**WHEREAS**, because the actual construction costs may be higher than estimated, it would be prudent for the City to make the entire allocation of \$250,671 available for the project until the project is constructed and actual costs are known.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** The use of the City of Tigard's allocation of MSTIP 3 Bike/Ped funding is hereby approved for the Tualatin River Ped/Bike Bridge project up to the maximum amount of \$250,671, if needed.

**SECTION 2:** The City Council authorizes submittal of a funding request to Washington County to apply those funds as part of the City's share of the project cost.

**SECTION 3:** This resolution is effective immediately upon passage.

**PASSED:** This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor - City of Tigard

**ATTEST:**

\_\_\_\_\_  
City Recorder - City of Tigard

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## **PART VI**

### **BIKE AND PEDESTRIAN PROGRAM GUIDELINES**

#### **6.1 GENERAL PURPOSE**

The purpose of the MSTIP Bike and Pedestrian (B&P) Program is to provide an additional funding source for local independent walkway and bikeway projects. As such, MSTIP B&P Program funds cannot be used in conjunction with any other MSTIP project or as the contributing funding share on any other road reconstruction project that includes a bikeway or walkway component.

Based on this objective, it is recommended that funds be used only for project construction activities. Funds may however, be considered for use on a case-by-case basis for planning, design and/or safety/education projects upon review and approval by the WCCC Transportation Advisory Committee (TAC).

#### **6.2 ALLOCATION OF BIKEWAY & PEDESTRIAN PROGRAM FUNDS**

Funds from the MSTIP B&P Program shall not be made available until Fiscal Year 1999 – 2000. Each jurisdiction within Washington County shall be entitled to a portion of the B&P Program funds equal to their proportionate share of the total population within the County. For purposes of determining this proportionate share, 1997 population estimates from Portland State University Center for Population Research and Census shall be used. Each jurisdiction's proportionate share is further modified for funding the Bus Stop Enhancement Project being constructed by Tri-Met. This project was approved by the WCCC at its March 3, 2003 meeting.

Each jurisdiction shall be guaranteed that funding will be available each year at a maximum amount equal to their annual allocation, which shall be in accordance with the adopted MSTIP3 schedule. Two or more jurisdictions may pool their allocations in any given year to fund a joint project. If any jurisdiction elects not to use their allocation in a given year, that allocation will be carried over into any future year of the program provided that all funds are committed to a project by March 2006.

If there are uncommitted funds available within the maximum annual allocation limits, established by the adopted MSTIP3 schedule, as the result of any jurisdiction choosing not to use their allocation, other jurisdictions may compete for the use of the uncommitted funds as an advance on their future year allocations. Any jurisdiction may borrow ahead on their future allocations by funding a project with local funds and

then receiving reimbursement from the MSTIP B&P Program as those future allocations become available in accordance with the adopted MSTIP3 schedule.

Funds not committed to a project by March 2006 will be made available to all jurisdictions through an open competitive process as outlined in Section 6.4 herein. If projects are not constructed or under construction by June 30, 2007, the owning jurisdiction will forfeit the project funding which will then be added to the MSTIP3 fund balance.

### **6.3 MATCHING FUNDS**

Use of the MSTIP B&P Program does not require a match from the owning jurisdiction.

### **6.4 REQUESTS FOR BIKE AND PEDESTRIAN PROGRAM FUNDS**

As a part of their request for MSTIP funding, the owning jurisdiction shall submit a project prospectus which shall include a cash flow analysis for the life of the project. Any such request for funding shall first be considered and approved by the jurisdiction's elected officials. The funding request should be submitted for review at the WCCC TAC each year at their April meeting. The proposed project, as described in the submitted prospectus, will be reviewed for conformance to the program guidelines as provided in Section 6.5 herein. A recommendation will be forwarded to the WCCC for approval at their June meeting. The WCCC TAC may permit exceptions to this submittal schedule, as requested by member jurisdictions.

### **6.5 BIKE AND PEDESTRIAN PROGRAM GUIDELINES**

All projects shall be located within Washington County and constructed in conformance with the most recent edition of the Oregon Bike and Pedestrian Plan standards and guidelines. Projects may be either on-street or off-street at the discretion of the owning jurisdiction. Projects should be consistent with the adopted transportation plan for either the County or owning jurisdiction.

The WCCC TAC may grant variances to these guidelines on a case-by-case basis when justified by the owning jurisdiction. As a part of the justification, the owning jurisdiction shall, at a minimum, demonstrate to the WCCC TAC:

- a) Why a variance is appropriate.
- b) What the objective of the variance is.

- c) What the cost impacts are.

## **6.6 DELEGATED AUTHORITY**

The WCCC TAC is hereby delegated the authority to review and approve uses of B&P Program funds for other than construction purposes as described in Section 6.1 herein, and variances to the B&P Program guidelines within Section 6.5 herein.

AGENDA ITEM # 4.7a  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of the SW O'Mara and Edgewood Streets Sanitary Sewer (Sewer Reimbursement District No. 31)

PREPARED BY: 1578 G Berry DEPT HEAD OK AP Duenas CITY MGR OK C Prosser

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the contract award for the construction of the SW O'Mara and Edgewood Streets Sanitary Sewer?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **MJ Hughes Construction Inc.** in the amount of **\$671,723.77**

INFORMATION SUMMARY

The proposed project would provide sewer service to forty-six lots in the SW O'Mara and Edgewood Streets area. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee, currently \$2,535, before connecting to the line.

This project was advertised for bids on March 8 and March 10, 2005, in the *Daily Journal of Commerce* and *Tigard Times* respectively. The bid opening was conducted on March 24, 2005 and the bid results are:

MJ Hughes Const. Inc.	Portland, OR	\$671,723.77
Dunn Construction Inc.	Portland, OR	\$791,680.00
Kerr Contractors	Tualatin, OR	\$806,436.20
<b>Engineer's Estimate</b>		<b>\$623,365.25</b>

The bids are believed to be competitive with the lowest bid exceeding the engineer's estimate by an acceptable amount of 8%. The bid amounts indicate that a rebid would most likely not result in a more favorable result. Award of the contract to the low bidder is recommended.

OTHER ALTERNATIVES CONSIDERED

None

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

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None

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ATTACHMENT LIST

Attachment 1. Project location map

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FISCAL NOTES

The amount of \$2,500,000 is available in the FY 2004-05 Citywide Sewer Extension Program for this and other sewer extension projects. The available funding is sufficient to award a contract of \$671,723.77 to MJ Hughes Construction Inc.

\\eng\greg\reimbursement districts\31 o'mara edgewood\4-12-05 award aia.doc

O'MARA ST & EDGEWOOD ST  
FY 2004-05 SANITARY SEWER EXTENSION PROGRAM  
REIMBURSEMENT DISTRICT #31



VICINITY MAP  
NTS



AGENDA ITEM # 4.7b  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of the SW 117<sup>th</sup> Avenue Sanitary Sewer (Sewer Reimbursement District No. 34)

PREPARED BY: G Berry <sup>MBB</sup> DEPT HEAD OK AP Duenas <sup>AP Duenas</sup> CITY MGR OK C Prosser <sup>C Prosser</sup>

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the contract award for the construction of the SW 117<sup>th</sup> Avenue Sanitary Sewer?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **CR Woods Trucking, Inc.** in the amount of **\$50,825.00**.

INFORMATION SUMMARY

The proposed project would provide sewer service to four lots along SW 117<sup>th</sup> Avenue south of Gaarde Street. Through the City's Neighborhood Sewer Extension Program, the City would install public sewers to each lot within the Reimbursement District and the owners would reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner would be required to pay a connection fee, currently \$2,535, before connecting to the line.

Bids were requested from five contractors on March 8, 2005 in accordance with AR 10.015B. The bid opening was conducted on March 29, 2005 and the bid results are:

CR Woods Trucking, Inc.	Sherwood, OR	\$50,825.00
S-2 Contractors, Inc.	Aurora, OR	\$51,192.00
Dunn Construction	Portland, OR	\$55,113.00
Paul Lambson Contracting	Battle Ground, WA	\$79,062.00
<b>Engineer's Estimate</b>		<b>\$35,450.00</b>

Although the lowest bid exceeds the Engineer's estimate by 43%, the bids received are believed to be competitive since there are two other bids within 8% of the lowest bid. The bid amounts indicate that a rebid would most likely not result in a more favorable result. Award of the contract to the low bidder is recommended.

OTHER ALTERNATIVES CONSIDERED

None

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

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None

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ATTACHMENT LIST

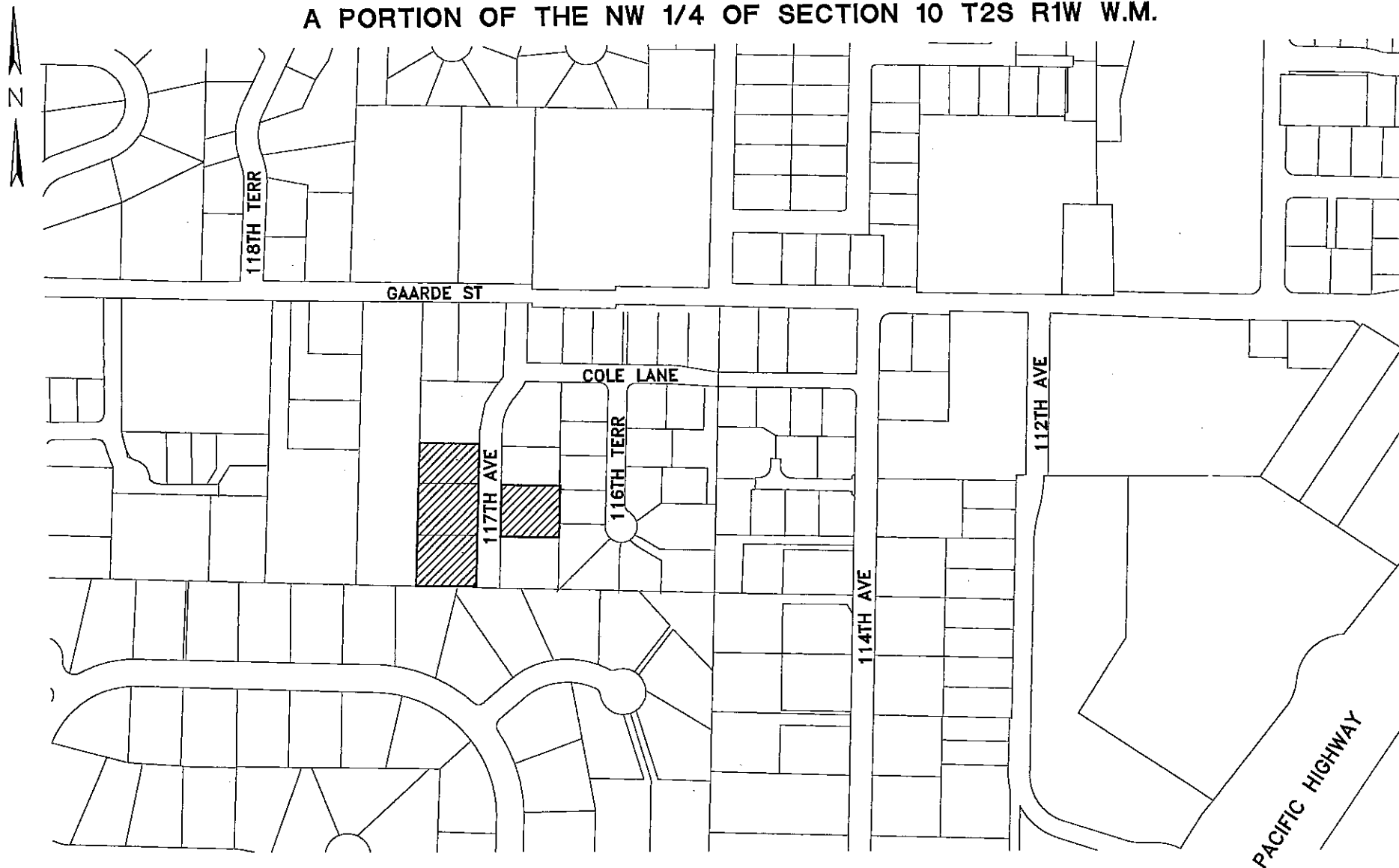
Attachment 1. Project location map

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FISCAL NOTES

The amount of \$2,500,000 is available in the FY 2004-05 Citywide Sewer Extension Program for this and other sewer extension projects. The available funding is sufficient to award a contract of \$50,825 to CR Woods Trucking, Inc. .

117TH AVENUE  
SANITARY SEWER IMPROVEMENT REIMBURSEMENT DISTRICT NO. 34  
A PORTION OF THE NW 1/4 OF SECTION 10 T2S R1W W.M.



VICINITY MAP

AGENDA ITEM # 4.7c  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award Contract for Slope Stabilization at Quail Hollow Subdivision  
PREPARED BY: Brian Rager BR DEPT HEAD OK BR CITY MGR OK BR

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board (LCRB) approve the contract award for construction of slope stabilization measures in the Quail Hollow Subdivision?

STAFF RECOMMENDATION

Staff recommends the LCRB, by motion, approve the contract award to Elting, Inc.

INFORMATION SUMMARY

Quail Hollow Subdivision is located south of Walnut Street along Gaarde Street. After the subdivision was completed, a few homes that back up to a drainage channel experienced some localized slope failures. Staff inspected the area, along with the help of a geotechnical engineer, and found that the over-steepened slopes of the channel were sloughing and posed a threat of a larger slope failure. A public sanitary sewer line is located adjacent to the stream bank and runs parallel with the channel. The City's geotechnical engineer (Kleinfelder) indicated that with a major slope failure, the sewer line would be in danger of being compromised.

Kurahashi and Associates, Inc. (KAI), along with Kleinfelder designed a permanent solution whereby the entire slope adjacent to four homes will be re-graded to a more stable slope. The work is significant and will result in removal of a significant amount of soil from the back yards of the homes. Staff has worked with all four property owners, and has reviewed the proposed plans with them. All four property owners understand the proposed changes and desire to cooperate with the City's efforts.

The project advertised for competitive bids on February 15, 2005 in the Daily Journal of Commerce, and in the Tigard Times on February 17, 2005. The bid opening was conducted on March 8, 2005 and the bid results are:

<b>Engineer's Estimate:</b>	<b>\$187,567.54</b>
Elting, Inc.	\$219,514.00
All Terrain	\$227,160.93
Brant Construction	\$227,606.10
Andersen Pacific	\$240,271.50
P.C.R., Inc.	\$258,034.68
BCI Contracting	\$258,499.00
Pro Landscape	\$633,258.58

Based upon the bids submitted, the lowest responsive bid of \$219,514.00, submitted by Elting, Inc., appears to be reasonable. Staff recommends the LCRB award the contract to this lowest qualified bidder.

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OTHER ALTERNATIVES CONSIDERED

None.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

n/a

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ATTACHMENT LIST

Project location map

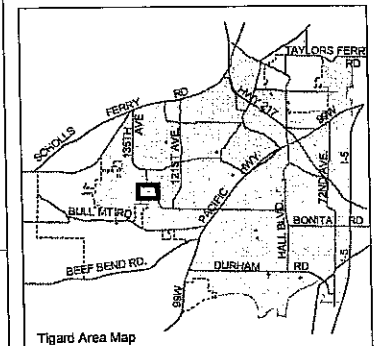
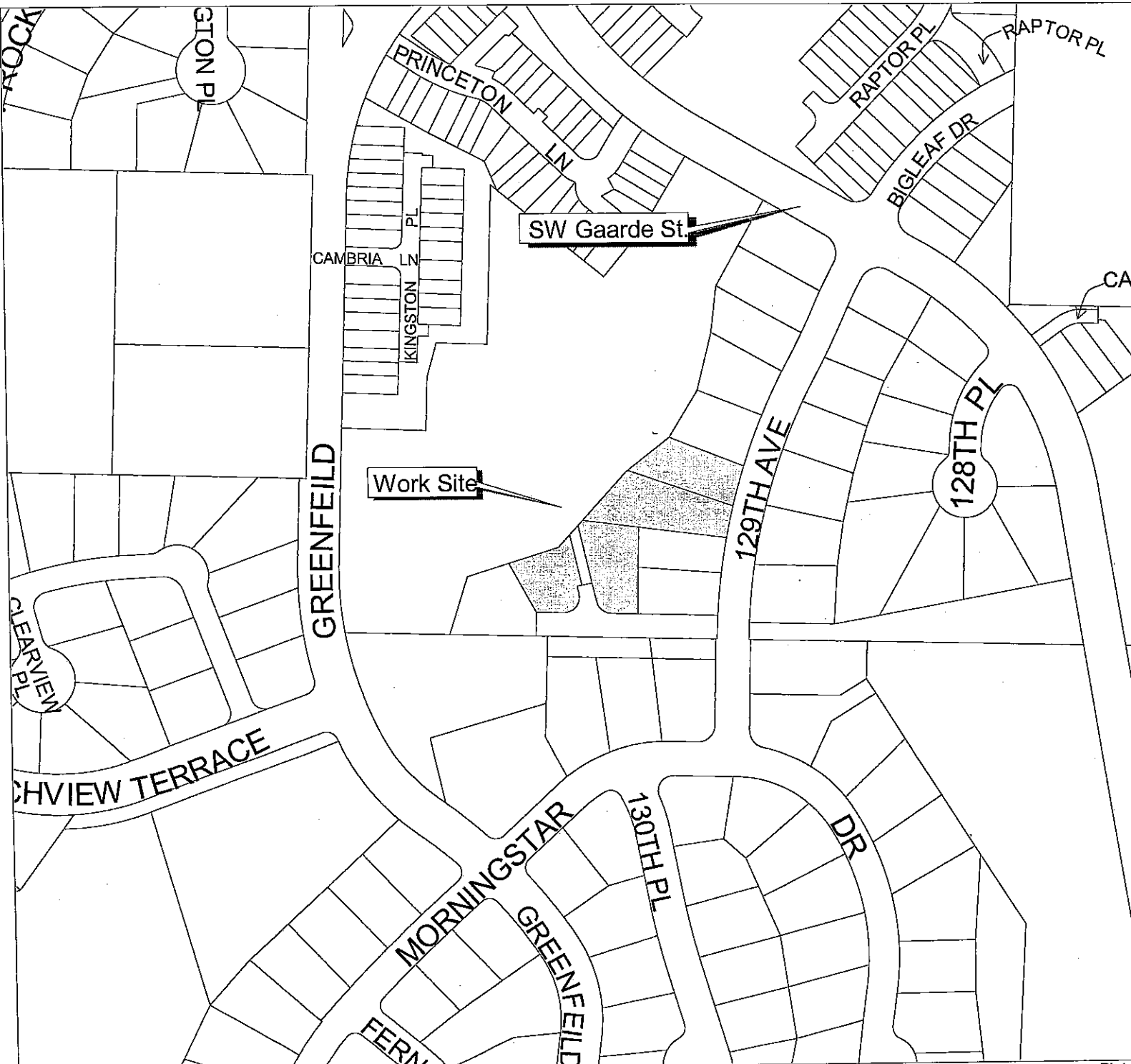
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FISCAL NOTES

This project will be funded by the Sanitary Sewer Fund.

VICINITY MAP  
Quail Hollow

Slope Stabilization



0 100 200 300 Feet

1" = 200 feet



City of Tigard

Information on this map is for general location only and  
should be verified with the Development Services Division.  
13125 SW Hall Blvd  
Tigard, OR 97223  
(503) 639-4171  
<http://www.ci.tigard.or.us>

CITY OF TIGARD, OREGON  
LOCAL CONTRACT REVIEW BOARD (LCRB) AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Request for Award of Contract for Stream Enhancement & Restoration Services

PREPARED BY: Matt Stine/Dan Plaza DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Approve Staff's recommendation to award contracts to Ash Creek Forest Management, LLC, Henderson Land Services, LLC and Harris Stream Services for stream enhancement and restoration projects on tributaries to Fanno Creek in Tigard.

STAFF RECOMMENDATION

Approve the selection of two contracting firms, Ash Creek Forest Management, LLC and Henderson Land Services, LLC to perform the enhancement and restoration projects. Additionally, approve a contract for Harris Stream Services as a consultant for the stream projects.

INFORMATION SUMMARY

As part of Clean Water Services' Healthy Streams Plan, the City of Tigard will be carrying out several stream restoration and/or enhancement projects on all of the tributaries of Fanno Creek within the City's boundaries over the next several years. These projects will improve water quality, in-stream and riparian area wildlife habitat, erosion control, native plant environments and will decrease non-native vegetation infestations. There are at least five tributaries of Fanno Creek each need extensive work. We anticipate the restoration and enhancement of these waterways will last at least five to six years, with monitoring and maintenance to follow for another four to five years. Funding for these projects will come from the Stormwater Management, Water Quality/Quantity Fund. Volunteers will be recruited to install most of the plants, as well as "adopt" the tributaries to assist in the monitoring and upkeep of the natural areas.

The City issued a Request for Proposals to perform the stream work. On Thursday February 9, 2005 Matt Stine, Peter Guillozet, from Clean Water Services and Bruce Barbarasch, from the Tualatin Hills Recreation District's Natural Resource Group, reviewed the submitted proposals, and accepted the three most qualified firms listed above. Their submittals proved to be very complete, well-rounded and showed an immense amount of talent, knowledge, experience & qualifications. The contracts will be effective beginning July 1, 2005 and will last for a period of one year with the City having the option to renew on a yearly basis for the following four years.

OTHER ALTERNATIVES CONSIDERED

City staff could carry out the restoration and enhancement projects in house, but:

- staff availability is limited
- expertise in certain critical areas is not available from Staff

- the overall cost will be more
- the execution of restoration and enhancement projects on each tributary will be less efficient
- the efficacy of each project will most likely suffer

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#### VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

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##### Urban & Public Services:

Parks & Greenways- #2 "Open space and greenway areas shall be preserved and protected."  
Water & Stormwater- #3 "Stormwater runoff is effectively managed."

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#### ATTACHMENT LIST

None.

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#### FISCAL NOTES

On an annual basis, costs will range between \$50,000.00 and \$100,000.00. The funds are available in the Stormwater Management, Water Quality/Quantity Fund. A funding request has been submitted for \$50,000.00 for FY 2005/06.



CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Introduction and Welcome of the Delegation from Balikpapan and Samarinda, Indonesia

PREPARED BY: Dennis Koellermeier DEPT HEAD OK DK CITY MGR OK CP

ISSUE BEFORE THE COUNCIL

Please welcome to our community:

Mr. Rachmad Julianto,  
Mr. Heronasia Soedarwo,  
Mr. Syalfudi Riza,  
Mr. Adisijanto

STAFF RECOMMENDATION

Greet and welcome the Indonesian Delegation to the City of Tigard.

INFORMATION SUMMARY

Tigard is currently participating in a Resource Cities program funded by USAID and administered by ICMA. This program has paired Tigard with two Indonesian cities, Balikpapan and Samarinda. Tigard is currently working on approved work plans with these two communities to improve environmental education opportunities, as well as water system improvements. One Indonesian delegation of educators has already toured the Tigard area and Tigard has sent one delegation of water supply people to visit Samarinda and Balikpapan. This delegation of water staff will report progress on goals and programs established last January when Tigard's delegation visited them. In addition, several water treatment plants and other water facilities will be visited.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

This program is primarily financed by USAID and administered by contract to ICMA. Tigard will be responsible for some incidental costs including some meals, gifts and materials for the delegation members.

AGENDA ITEM # 6  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Tigard's Water Supply Options

PREPARED BY: Dennis Koellermeier DEPT HEAD OK  CITY MGR OK                     

ISSUE BEFORE THE COUNCIL

Tigard continues to be faced with an upcoming decision or decisions pertaining to securing a long term water supply. Tonight's presentation by staff and our consultant, MSA, is designed to inform the Council on regional water issues, explain the current status of regional supply systems, and help the Council prepare and understand the upcoming issues and decisions. While the IWB currently monitors most of these issues on a regular basis, the Council needs to be kept informed of these issues also.

STAFF RECOMENDATION

Information only, no action is necessary tonight.

INFORMATION SUMMARY

The City has been actively pursuing ownership in long term water sources. Past and current Council goals and the visioning process have consistently directed the City to this goal. Tigard has worked on projects to achieve this goal by pursuing the regionalization of the Bull Run System and also by seeking membership in the Joint Water Commission. The City of Portland withdrew their support of a regional agency, therefore, Tigard and other suburban wholesalers have been involved in negotiations for a new wholesale water contract with the City of Portland. The culmination of those negotiation efforts will be reported on by staff.

Tigard has successfully gained membership in the Joint Water Commission (JWC). Membership is based on the ability to obtain a supply of 4 million gallons per day (mgd) from the JWC. Staff will report on projects relating to the JWC.

In the next year Tigard will most likely be faced with making major decisions regarding some potential supply sources. Staff anticipates the Portland long term wholesale contract will be ready for public scrutiny soon. We also must make a decision soon on continuing our financial involvement in the Hagg Lake project with our JWC partners. We have revisited our supply contract with Lake Oswego and will be reviewing the potential for partnering with them in a future supply project. We also continue to work with our partners in the Willamette River Water Coalition to protect our water rights and monitor water quality issues in the river.

All these projects have potential; some satisfy our long term goals, while some don't. Costs vary greatly and are very dependent on partnerships.

Staff will also present current information regarding the status of our supply sources this summer, in light of the abnormal weather we have been experiencing.

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OTHER ALTERNATIVES CONSIDERED

N/A

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Current Vision Goals identify the desire to obtain a long term water supply as well as to increase capacity as stated under Urban and Public Services, Water and Stormwater, Goal #1: *"Actively participate in regional development of drinking water sources and adequate innovative funding mechanisms to develop those sources for Tigard users, while exploring local options for water reuse and groundwater source."*

In addition, the current visioning process is recommending a more definitive goal: "Equity position in a regional water system by 2007."

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ATTACHMENT LIST

N/A

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FISCAL NOTES

N/A

AGENDA ITEM # 7  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Directing the Preparation of a Preliminary Engineer's Report for the Proposed SW 79<sup>th</sup> Avenue Local Improvement District

PREPARED BY: G. Berry <sup>813</sup> DEPT HEAD OK *ad* CITY MGR OK *cl*

ISSUE BEFORE THE COUNCIL

Shall the City Council approve a resolution directing the preparation of a Preliminary Engineer's Report for the proposed SW 79<sup>th</sup> Avenue Local Improvement District (LID) and further directing the establishment of the funding mechanism for the preparation of the report?

STAFF RECOMMENDATION

Staff recommends that City Council approve, by motion, the attached resolution directing the preparation of the Preliminary Engineer's Report for the SW 79<sup>th</sup> Avenue LID and directing the establishment of a funding mechanism for the preparation of the report.

INFORMATION SUMMARY

The proposed LID would improve SW 79<sup>th</sup> Avenue (a neighborhood route) from just north of Gentle Woods Drive to Bonita Road. Improvements would include pavement widening, curbs, sidewalks, as well as storm and sanitary sewers, constructed to neighborhood route standards in accordance with the Tigard Transportation System Plan. In addition, excessive vertical curves will be realigned to improve travel and visibility.

A Preliminary Evaluation Report was submitted to the City Council at its March 8, 2005 meeting. The report concluded that the proposed LID appears feasible, offered two alternative project scopes, and recommended that the City Council take the next step in the LID formation process by authorizing the preparation of a Preliminary Engineer's Report. City Council expressed a preference for the alternative that extends full-width street improvements from the Leiser Park subdivision to the southern LID boundary at the Gentle Woods subdivision and half-width improvements north of the Leiser Park subdivision to Bonita Road. The attached proposed resolution directs the Engineering staff to proceed with the preparation of the Preliminary Engineer's Report for the proposed LID. It further directs the establishment of the funding mechanism in the amount of \$60,000 as the anticipated expenses during the remainder of FY 2004-05 and authorizes the Gas Tax Fund as the funding source.

OTHER ALTERNATIVES CONSIDERED

None

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## VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

The proposed improvements to SW 79<sup>th</sup> Avenue meets the *Tigard Beyond Tomorrow* goals of *Improve Traffic Safety* and *Improve Traffic Flow* by providing sidewalks for pedestrian safety, improved visibility and improvements to the northern half of a neighborhood route that connects Bonita Road and Durham Road.

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### ATTACHMENT LIST

- Attachment 1. Proposed Resolution directing the Engineering staff to proceed with the Preliminary Engineer's Report  
Attachment 1.1 Preliminary Evaluation Report for the SW 79<sup>th</sup> Avenue LID (4 pages)

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### FISCAL NOTES

The amount of \$60,000 would provide sufficient funding during the remainder of FY 2004-05 to allow for the preparation of the Preliminary Engineer's Report, including engineering plans in sufficient detail to provide reliable cost estimates and to meet requirements for various permit applications. Any funding required in FY 2005-06 to continue the work would be budgeted in the FY 2005-06 Capital Improvement Program. The Gas Tax Fund is the designated source of funds for the preparation of the report. All costs incurred in the preparation of the report and the formation of the district would be included in the LID costs and would be reimbursed to the Gas Tax Fund if the LID is formed and improvements are constructed.

## CITY OF TIGARD, OREGON

## RESOLUTION NO. 05-\_\_\_\_\_

**A RESOLUTION DIRECTING THE ENGINEERING STAFF TO PREPARE A PRELIMINARY ENGINEER'S REPORT FOR THE PROPOSED SW 79<sup>TH</sup> AVENUE LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE ESTABLISHMENT OF A FUNDING MECHANISM FOR THE PREPARATION OF THE REPORT.**

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**WHEREAS**, SW 79<sup>th</sup> Avenue, from SW Bonita Road to SW Durham Road, is designated as a neighborhood route in Tigard's Transportation System Plan; and

**WHEREAS**, a significant portion of the street is in substandard condition and requires reconstruction and vertical realignment to meet current geometric standards; and

**WHEREAS**, the owners of five lots along SW 79<sup>th</sup> Avenue representing forty-eight percent of the total area of the proposed local improvement district (LID), have requested that a LID be formed to improve the street to meet current standards; and

**WHEREAS**, the Engineering staff prepared a Preliminary Evaluation Report (attached), which was submitted to the City Council for discussion and direction during its March 8, 2005 meeting; and

**WHEREAS**, the Preliminary Evaluation Report determined that the proposed LID appears feasible and recommended that the City Council take the next step in the LID formation process by authorizing the preparation of a Preliminary Engineer's Report; and

**WHEREAS**, the Preliminary Evaluation Report recognized that there is no funding currently available to proceed with the project and recommended that the City Council direct the establishment of that funding mechanism by designating the Gas Tax Fund as the funding source; and

**WHEREAS**, the City Council discussed the proposed LID and indicated that the LID boundary and improvements to be constructed by the LID are satisfactory as submitted; and

**WHEREAS**, the City Council has directed staff to prepare a resolution authorizing preparation of a Preliminary Engineer's Report and submit that resolution for adoption at a City Council business meeting.

**NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:**

**SECTION 1:** The Engineering staff is directed to proceed with preparation of a Preliminary Engineer's Report for the proposed LID in accordance with the proposed LID boundary and improvements as described in Alternative 1 of the Preliminary Evaluation Report.

**SECTION 2:** The Preliminary Engineer's Report should include the scope of work, location of the proposed improvements, proposed district boundaries, estimated cost, proposed assessment methods, and other information that may be relevant to the feasibility of the improvements and district. The report should recommend approval, approval with conditions, or denial.

- SECTION 3:** The City of Tigard shall provide the funding for preparation of the Preliminary Engineer's Report. The amount needed for FY 2004-05 to prepare the report is approximately \$60,000.
- SECTION 4:** The City staff is directed to establish the funding mechanism in that amount for the engineering work using the Gas Tax as a funding source. Any budget adjustments requiring Council action and necessary for the establishment of the project funding shall be brought to Council for appropriate action.
- SECTION 5:** All costs incurred after the date of this resolution to prepare the Preliminary Engineer's Report and form the district shall be included as part of the LID costs and shall be reimbursed to the City if the LID is formed and the improvements are constructed.
- SECTION 6:** This resolution is effective immediately upon passage.

**PASSED:** This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor - City of Tigard

**ATTEST:**

\_\_\_\_\_  
City Recorder - City of Tigard

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## **Preliminary Evaluation Report**

### **Proposed Formation of a Local Improvement District to Construct Improvements on 79<sup>th</sup> Avenue Between Gentle Woods Drive and Bonita Road**

#### **Background**

A Local Improvement District (LID) is proposed to construct improvements on 79<sup>th</sup> Avenue between Gentle Woods Drive and Bonita Road. This residential area consists of both a growing number of smaller subdivided lots as well as larger lots laid out in the original Durham Acres subdivision from 1911. As can be expected, the area density has grown tremendously and the need to improve the roadway and infrastructure has emerged. Not all of the residents agree on what should be done to address the situation. For example, in the year 2000, the 79<sup>th</sup> Avenue Reconstruction Project (Durham Road to Bonita Road) was a candidate for the proposed transportation bond measure but was eliminated after certain property owners objected to the proposed improvements voicing their desire to keep thru-traffic off their street. The project was not constructed, and the condition of the roadway has worsened. In an effort to pursue an improved roadway, the owners of five (5) lots on 79<sup>th</sup> Avenue near Bonita Road have formally expressed their interest in the establishment of a LID. These owners represent 48% of the total area within this proposed 79<sup>th</sup> Avenue LID. As of June 2004, the combined assessed value of these lots is \$1,358,290.00.

#### **Current Situation**

Through the proposed improvements of the 79<sup>th</sup> Avenue LID, this neighborhood route will receive several distinct enhancements to their current roadway facilities. For example, the narrow road widths and excessive vertical curves would be reconstructed and realigned to improve travel and visibility. The lack of existing sidewalks and bike lanes would also be addressed. In addition, the south end of this proposed LID boundary would connect to the terminus of an existing half-street improvement (roadway and sidewalk). In turn, 79<sup>th</sup> Avenue would provide approximately a half-mile of roadway improvements south of Bonita Road. In addition, several lots that are currently excluded from the public sewer would benefit from new service laterals.

Once the improvements associated with this LID have been completed, the affected portions of 79<sup>th</sup> Avenue will be more compliant with the City of Tigard roadway design standards. In addition, an improved sense of visual continuity within the area will be experienced by the residents and traveling public.

If Council moves to proceed with establishing the 79<sup>th</sup> Avenue Local Improvement District, the following estimated time line can be expected.

- City Engineer submits Preliminary Evaluation Report (March 8, 2005)
- Council directs staff to submit a resolution authorizing preparation of a Preliminary Engineer's Report (April 12, 2005)

Proposed 79<sup>th</sup> Avenue LID – Preliminary Evaluation Report

Page 1 of 4



- Council Approves Preliminary Engineer's Report (June 14, 2005)
- Declaration of intention to form the LID (June 28, 2005)
- District Formation (July 12, 2005)
- Prepare Final Plans/Specifications (by end of August 2005)
- Construction (September 2005 through May 2006)
- Determine/Levy Assessments by Ordinance (after completion of construction)

## Alternatives Considered

- **Alternative 1:**  
**Full-Width Street improvements**  
79<sup>th</sup> Avenue – 1,070 ft (approximately)  
 From the Leiser Park development terminus to the southern LID boundary at the Gentle Woods development terminus.

**Half-Width Street improvements**  
79<sup>th</sup> Avenue – 510 ft (approximately)  
 North from the Leiser Park development terminus to Bonita Road.

The cost of this alternative is approximately \$790,000.00.

- **Alternative 2:**  
**Full-Width Street improvements**  
79<sup>th</sup> Avenue – 530 ft (approximately)  
 From the Leiser Park development terminus to 530 ft south.

**Half-Width Street improvements**  
79<sup>th</sup> Avenue – 510 ft (approximately)  
 North from the Leiser Park development terminus to Bonita Road.

The cost of this alternative is approximately \$520,000.00.

## Utilities

In terms of available storm and sewer facilities within the proposed boundary of the 79<sup>th</sup> Avenue LID, there is a definite potential for enhancement. As of now, 79<sup>th</sup> Avenue has existing storm and sewer improvements from Bonita Road to the south terminus of the Leiser Park development (520 ft south of Bonita Road).

### Sewer

A feasibility study should be performed to assess the possibility of a sewer line installation throughout the proposed limits of the LID. Alternative #1 presents the opportunity for sewer improvements directed through Tax Lot 1500, owned by Cornutt Enterprises, LLC.

## **Storm Drain**

Within the proposed LID boundary are several existing grass or rock-lined swales that collect/direct runoff to an existing creek east of 79<sup>th</sup> Avenue. It is recommended that a feasibility study be performed to determine the possibility of directing all storm runoff into this existing creek. Again, Alternative #1 presents the opportunity for runoff to be directed through Tax Lot 1500, owned by Cornutt Enterprises, LLC.

## **Water**

According to the information in the City of Tigard's Magic GIS Project program, there appears to be an 8-inch Tigard Water District Water line that runs down 79<sup>th</sup> Avenue. In addition, water utility features and fire hydrants were observed. However, further investigation needs to be performed to determine the exact locations of the water utility features throughout the proposed LID. Then, recommendations can be made on the limits of water utility improvements.

## **Gas**

Further investigation and location will be needed to determine the improvements throughout the proposed LID.

## **Power, Telephone, Cable and Street Lights**

Currently, there are overhead lines on 79<sup>th</sup> Avenue that supply power, telephone and cable service. It is recommended that these overhead utilities be placed underground as part of the scope of work involved with the LID. There are currently no street lights on 79<sup>th</sup> Avenue within the proposed boundary of the LID.

## **Street Design Requirements**

The City of Tigard Design Standards, in conjunction with the Tigard Transportation System Plan, call for the following on Neighborhood Routes such as 79<sup>th</sup> Avenue:

### **Neighborhood Route - 79<sup>th</sup> Avenue**

Required ROW:	50 - 60 ft
Pavement requirement:	28-36 ft curb-to-curb
Vehicle Lane Width:	9-10 ft
On-Street Parking:	8 ft
Sidewalks:	5 ft wide
Landscape Strips:	Where Appropriate
Curb Extensions:	Consider on Pedestrian Routes

## **Right of Way Acquisition**

In order to satisfy the City of Tigard Design Standards, in conjunction with the Tigard Transportation System Plan for Required ROW (60'), seventeen (17) lots within the proposed LID boundary for Alternative #1 require right-of-way acquisition. The required

right-of-way acquisition is approximately 0.57 acres (or 25,022 sq ft). The required right-of-way acquisition for Alternative #2 is approximately 0.39 acres (or 17,066 sq ft).

### **Issues To Be Resolved**

Some of the major issues that need to be resolved for the successful implementation of the improvements in the proposed LID are:

- LID boundary and included property owners.
- Right of Way Acquisition of property for widening purposes.
- Sewer improvements on 79<sup>th</sup> Avenue through the Capital Improvement Program.
- Modifying the current design to conform with current standards
- Connect to the existing curb and gutter where possible.
- Location and identification of existing utilities.

### **Recommendations**

The LID appears feasible. To comprehensively address the deficiencies on 79<sup>th</sup> Avenue, staff recommends the following:

- That Council direct staff to proceed with the next step in the LID process. This would require a resolution directing staff to proceed with the preparation of a Preliminary Engineer's Report. This report would examine the
- That Alternative #1 be pursued, which would establish the southerly boundary just north of Gentle Woods Drive.
- That a funding source be established to prepare the Preliminary Engineer's Report. This action could be taken in conjunction with the resolution directing staff to proceed with the LID process.

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AGENDA ITEM # 8  
FOR AGENDA OF April 12, 2005

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Approving Budget Amendment #12 to the FY 2004-05 Budget to Increase Appropriations in the Gas Tax fund for the 79<sup>th</sup> Ave LID

PREPARED BY: Tom Imdieke [Signature] DEPT HEAD OK [Signature] CITY MGR OK [Signature]

ISSUE BEFORE THE COUNCIL

Should the City Council approve Budget Amendment #12 to the FY 2004-05 Adopted Budget to increase appropriations in the Gas Tax Fund for the funding of the Preliminary Engineer's Report for the proposed 79<sup>th</sup> Ave. LID.

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment #12.

INFORMATION SUMMARY

On March 8, 2005, the City Council considered a proposed local improvement district (LID) to improve SW 79<sup>th</sup> Ave. from SW Bonita Rd. to just north of Gentle Woods Drive. At that time, the City Council directed staff to prepare the necessary steps for Council to approve the preparation of a Preliminary Engineer's Report for the proposed district. Assuming that the City Council approved the related agenda item on the April 12, 2005 business meeting, this budget amendment would establish the funding for the Preliminary Engineer's Report.

The purpose of the report is to define the scope of the proposed project including the boundaries, required improvements, estimated cost, and a method of spreading the cost among the property owners in the district. The report is expected to be available to the City Council for considerations at the June 14, 2005 meeting. If approved, a Declaration of Intention to form the district will be prepared for City Council consideration and the plans and specifications would then be completed.

During the current fiscal year, the Preliminary Engineer's Report, including sixty percent complete plans and specifications, is estimated to cost \$60,000. This budget amendment would establish the appropriation necessary for funding the preparation of the report. Once the LID is formed and the project completed, the cost of this report would be included in the final assessment to the property owners and the Gas Tax Fund would be reimbursed for this expense.

During the FY 2005-06 budget process, the creation of a 79<sup>th</sup> Ave LID Fund will be proposed and all future funding for the project would be accomplished through that fund.

OTHER ALTERNATIVES CONSIDERED

Do not approve the budget amendment.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

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N/A

ATTACHMENT LIST

Resolution, including Attachment A.

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FISCAL NOTES

This action would transfer \$60,000 from the Gas Tax Contingency for the funding of the Preliminary Engineer's Report for the proposed 79<sup>th</sup> Ave LID.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-\_\_\_\_\_

A RESOLUTION APPROVING BUDGET AMENDMENT #12 TO THE FY 2004-05 BUDGET TO INCREASE APPROPRIATIONS IN THE GAS TAX FUND FOR THE 79<sup>TH</sup> AVE LID.

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WHEREAS, the City Council has directed staff to proceed with the preparation of a Preliminary Engineer's Report for the proposed SW 79<sup>th</sup> Ave Local Improvement District (LID); and

WHEREAS, a report is needed to define the scope of the proposed project including the boundaries, required improvements, estimated cost, and a method of spreading the cost among the property owners in the proposed district; and

WHEREAS, the FY 2004-05 Adopted Budget does not include appropriations for funding of the report; and

WHEREAS, a transfer from the Gas Tax Fund Contingency is needed to establish the funding for the report; and

WHEREAS, the cost of this report will be included in the final assessment to the property owners and the Gas Tax Fund will be reimbursed for this expense if the district is formed.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2004-05 Adopted Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution for the funding of the Preliminary Engineer's Report

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

Attachment A  
FY 2004-05  
Budget Amendment # 12

FY 2004-05 Revised Budget	Budget Amendment # 12	Revised Revised Budget
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**Gas Tax Fund**

Resources




Beginning Fund Balance	\$837,478		\$837,478
Property Taxes	0		0
Grants	173,961		173,961
Interagency Revenues	1,935,000		1,935,000
Development Fees & Charges	0		0
Utility Fees and Charges	4,423		4,423
Miscellaneous Fees and Charges	0		0
Fines and Forfeitures	0		0
Franchise Fees and Business Tax	0		0
Interest Earnings	15,500		15,500
Bond Proceeds/Principal	0		0
Other Revenues	0		0
Transfers In from Other Funds	0		0
Total	\$2,966,362	\$0	\$2,966,362

Requirements

Community Service Program	\$0		\$0
Public Works Program	0		0
Development Services Program	420,000		420,000
Policy & Administration Program	0		0
General Government	0		0
Program Expenditures Total	\$420,000	\$0	\$420,000
Debt Service	\$0		\$0
Capital Improvements	\$761,300	\$60,000	\$821,300
Transfers to Other Funds	\$1,301,814		\$1,301,814
Contingency	\$250,000	(\$60,000)	\$190,000
Total Requirements	\$2,733,114	\$0	\$2,733,114
Ending Fund Balance	233,248		233,248
Grand Total	\$2,966,362	\$0	\$2,966,362

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Granting an Exemption from Property Taxes Under Tigard Municipal Code Section 3.50 for Three Non Profit Low Income Housing Projects Owned and Operated by Community Partners for Affordable Housing(CPAH) and One Housing Project that is Operated by Tualatin Valley Housing Partners (TVHP).

PREPARED BY: Tom Imdieke  DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Shall three low-income housing projects owned and operated by the Community Partners for Affordable Housing (CPAH) and one housing project that on or before July 1, 2005 Tualatin Valley Housing Partners (TVHP) will be the Managing General Partner be exempted from City of Tigard property taxation for 2005?

STAFF RECOMMENDATION

Staff recommends approval of this resolution.

INFORMATION SUMMARY

Tigard Municipal Code 3.50 allows certain organizations providing low income housing to be exempted from Tigard property taxation upon application by March 1 of each year and a demonstration of compliance with certain criteria listed in the Code.

Community Partners for Affordable Housing (CPAH) owns and operates Greenburg Oaks (formerly Villa La Paz), located at 11875 SW 91<sup>st</sup> Avenue in Tigard. CPAH also owns a single family house located at 9330 SW Tangela Ct. in Tigard, and also a low-income housing project on SW Hall Blvd. known as the Village at Washington Square. These projects are operated as low-income housing and meet all criteria listed in Tigard Municipal Code. CPAH submitted the three applications for exemption from 2005 property taxes on February 16, 2005 which is well within the March 1 deadline. All three properties were exempted from property taxation in 2004.

This year, the City for the first time, has received an application from Tualatin Valley Housing Partners (TVHP) for a City low-income housing tax exemption for the 119-unit Hawthorne Villa, located at 7705 SW Pfaffle Street in the unincorporated Metzger area. On or before July 1, 2005, TVHP will become the Managing General Partner for this property. Given that the current management arrangement is a for-profit entity, the tax exemption approval should be contingent upon the formal amendment of the partnership agreement whereby TVHP becomes the Managing General Partner and the registration change is filed with the Secretary of State's Office.

The attached resolution gives consent from the City of Tigard for this tax abatement. Under state law, CPAH and TVHP must receive similar approval from jurisdictions accounting for 51% (or more) of the total property taxes to be levied on these properties. CPAH and TVHP will also make application to the other taxing units.



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OTHER ALTERNATIVES CONSIDERED

Do not approve this tax exemption.

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VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

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ATTACHMENT LIST

Resolution

Three applications from CPAH.

One application from TVHP.

Memo from Duane Roberts regarding CPAH's and TVHP's applications meeting TMC criteria.

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FISCAL NOTES

The estimated assessed value of the four properties and the estimated impact of an exemption from City of Tigard property taxes are shown below.

Property	Estimated Assessed Value	City of Tigard Tax Rate (Permanent Rate Only)	City of Tigard Property Tax Impact	Total Tax Rate	Total Property Tax Impact
Village at Washington Square	\$2,437,078*	\$2.51/\$1,000	\$6,117	\$16.31/\$1,000	\$39,749
Single Family Home – 9330 SW Tangela Ct.	\$166,069*	\$2.51/\$1,000	\$417	\$16.31/\$1,000	\$2,709
Greenburg Oaks	\$2,834,547*	\$2.51/\$1,000	\$7,115	\$16.31/\$1,000	\$46,231
Hawthorne Villa	\$2,283,250**	\$2.51/\$1,000	\$5,731	\$16.31/\$1,000	\$37,240
Total Impact			\$19,380		\$125,929

\* Because these properties have been exempted from property taxation in the past, Washington County does not show a current assessed value. This figure is an estimated value based on data from the County and CPAH.

\*\* Based on current assessed value.

CITY OF TIGARD, OREGON

RESOLUTION NO. 05-\_\_\_\_\_

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR THREE NON PROFIT LOW INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND ONE HOUSING PROJECT THAT IS OPERATED BY TUALATIN VALLEY HOUSING PARTNERS (TVHP).

WHEREAS, Tigard Municipal Code section 3.50 provides procedures for application and consideration of non profit corporation low income housing projects exemption from property taxes; and

WHEREAS, the code requires applications for exemption be filed with the City by March 1; and

WHEREAS, Community Partners for Affordable Housing (CPAH), a qualified Non Profit Corporation, filed a request dated February 16, 2005 for exemption from property taxes under TMC section 3.50 for three low income housing projects and meets all the applicable criteria for exemption; and

WHEREAS, Tualatin Valley Housing Partners (TVHP), a qualified Non Profit Corporation, filed a request dated February 17, 2005 for exemption from property taxes under TMC section 3.50 for one low income housing project; and

WHEREAS, once TVHP becomes the Managing General Partner for the Hawthorne Villa property and is registered as such with the Secretary of State's Office, and

WHEREAS, the Council approval of the tax exemption would be contingent upon TVHP becoming the Managing General Partner for the Hawthorne Villa property.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The applicant, Community Partners for Affordable Housing, qualifies for the exemption set forth in Tigard Municipal Code section 3.50.

SECTION 2: The applicant, Tualatin Valley Housing Partners, will qualify for the exemption set forth in Tigard Municipal Code section 3.50 once the current partnership is amended and filed with the Secretary of State's Office.

SECTION 3: The Interim Finance Director is directed to certify to the Assessor of Washington County that the City of Tigard agrees to the abatement of property taxes for the following four properties:

- a. Village at Washington Square, 11157 – 11163 SW Hall Blvd., Tigard
- b. Single family home located at 9330 SW Tangela Ct., Tigard
- c. Greenburg Oaks, 11875 SW 91<sup>st</sup> Ave., Tigard
- d. Hawthorne Villa, 7705 SW Pfaffle Street, Tigard

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

\_\_\_\_\_  
City Recorder - City of Tigard



## MEMORANDUM

### CITY OF TIGARD

---

TO: Tom Imdieke  
FROM: Duane Roberts  
DATE: 3/14/05  
SUBJECT: Applications for Tax Abatement

The Tigard-based Community Partners for Affordable Housing (CPAH) has submitted separate applications for low-income housing tax exemptions for the three properties it owns and manages inside the City. The three include the 26-unit Village at Washington Square, the 84-unit Greenburg Oaks (formerly, Villa La Paz), and a four-bedroom single family house located two blocks from the Greenburg Oaks units.

TMC 3.50.020, "Nonprofit corporation low income housing; exempt criteria", provide standards for considering exemption requests. These criteria and whether and how the CPAH applications meet each criterion are reviewed below.

**1. The property is owned or being purchased by a corporation that is exempt from income taxes under section 501(c) (3) or (4) of the Internal revenue Code . . .**

A copy of an Internal Revenue Service letter, dated March 11, 1999, verifies that CPAH qualifies as a 501(c) organization.

**2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt from taxation and operated exclusively for religious, charitable, scientific, literary or educational purposes or to the State of Oregon.**

The list of submittal requirements under TMC 3.50.040 does not include any reference to information on asset liquidation, and the CPAH applications do not contain any such information. The director has verbally confirmed to staff that the organization's incorporation papers do, if fact, include a provision of this kind.

**3. The property is occupied by low income persons.**

The TMC defines low income as household income at or below 60% of area median. According to the CPAH submittals, in the case of all three of its projects, tenant income is verified upon application and is re-certified on an annual basis. Household income at or below 60% of median is the cut-off for continued eligibility. According to data provided by CPAH, the current Average Family Income of all Greenburg Oaks and Village at Washington Square tenants taken together is 35% and 37% of median, respectively.

**4. The property or portion of the property receiving the exemption, is actually and exclusively used for the purposes described in section 501 (c) (3) or (4) of the Internal Revenue Code . . .**

The applications certify and a staff visit to the two apartment complexes confirms that all the property is exclusively used for the intended purposes.

**5. The exemption has been approved as provided in section 3.50.050**

This criterion relates to the required City process for handling exemption requests.

**Conclusion:**

CPAH-owned properties have qualified for tax abatement each year since 1996. According to the applications submitted for FY 05/06 abatement, no change in circumstances have occurred that would disqualify the non-profit housing provider from continuing to receive the exemption.

The "Affordable Housing Program", adopted 9/03 as "a complete and official statement of the City's overall affordable housing program", includes tax abatement as one of the City's strategies for facilitating affordable housing in the community. Its purpose is to allow the operators of low-income housing to decrease annual operating expenses, thereby allowing them to serve lower-income households. As such, granting the exceptions to CPAH would be consistent with the applicable TMC standards and also with the adopted City housing policy.

**COMMUNITY PARTNERS**  
FOR AFFORDABLE HOUSING, INC.

PO Box 23206 • Tigard OR 97281-3206 • Tel:503.968.2724 • Fax:503.598.8923 •  
www.cpahinc.org • info@cpahinc.org

# **City of Tigard**

## **Application for Tax Abatement**

February 16, 2005

Greenburg Oaks (formerly Villa La Paz) Apartments  
11875 SW 91st Avenue, Tigard

**A. Property Description**

**B. Project's Charitable Purpose**

**C. Certification of Resident Income Levels**

**D. How Tax Exemption Will Benefit Residents**

**E. Tax Exempt Status**

**F. Verification of Information**

**G. IRS Letter**

## **A. Property Description**

**Greenburg Oaks Apartments (Tax account # R-276472), 11895 SW 91<sup>st</sup> Avenue**, is just off Greenburg Road and Pacific Highway. The complex consists of 84 units in four buildings: 12 one-bedroom/one-bath 564 square foot units, 60 two-bedroom/one-bath 839 square foot units, and 12 three-bedroom/one-bath 1,007 square foot units. In 1998, CPAH added a community facility to the complex. The center houses a computer center, library, multipurpose room and property management office. The site sits on 3.01 acres.

**Legal Description:** The site is located in the southeast ¼ of Section 35, Township 1 South, Range 1 West (Willamette Meridian).

**Tax Lot:** The Washington County Map shows the site as tax lot 23-74-2000, Parcels I, II, and III.

## **B. Project's Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.**

CPAH's acquisition and renovation of the complex has ensured that the previously neglected property has been professionally managed as safe, decent, and affordable housing for families with a shrinking number of housing options. Our property has significantly reduced the housing burdens of our families. The efficient delivery of our services has improved the health and prospects of all household members, and served to break the multi-generational cycles of poverty. CPAH's commitment to 40 years of affordability for those at 50 and 60% of median income guarantees that these apartments will be affordable effectively for the life of the buildings.

CPAH maintains active partnerships with the Tigard Police Department, Tualatin Valley Fire & Rescue, Tigard Libraries, and the Tigard School District to enhance the safety and quality of life for residents and to be sure that our programs are well-coordinated with other community resources. Partnerships with Community Action Organization/Neighborshare and Portland General Electric for significant weatherization improvements have resulted in reduced utility bills for families residing in the complex. CPAH works closely with Community Action and other organizations to provide information and referral as well as emergency services like food boxes and rent and utility assistance. Coordination agreements with social service programs such as HopeSpring (a partnership of Lutheran Family Services, Centers, Community Action Organization, Good Neighbor Center, Luke-Dorf, and Lifeworks NW enhance ongoing case management and link stable housing with successful program outcomes.

The Community Center at Greenburg Oaks is the focal point of the support, skill building, and community building activities offered by CPAH through its resident services programs. CPAH's on-site six-computer learning center is used by youth for homework, research, e-mail, and educational games; and by adults for job search activities and Internet access. The Tigard Library has twice obtained grant resources to purchase children's material for our on-site library.

In the past year, CPAH has offered a variety of adult services as well. These include classes in support of parenting skills, budgeting and other financial literacy skills, and nutritional shopping

and cooking. The community center is also host to a number of general community activities including rent readiness courses, Hopespring parenting classes, financial literacy classes, parenting safety skills and budget and nutrition classes. The community center hosts weekly meetings for AA, NA, and Alanon groups.

### **C. Certification of Resident Income Levels**

Resident income levels are verified upon application for tenancy and are recertified each year. CPAH has covenants with the state and with Washington County to use the property exclusively for low income rentals for a period of at least 40 years. These covenants require that all households have earnings at or below 60% of the area median income. Some units are restricted to households earning at or below 50%. We certify that all residents served by this property earned at or below 60% of the Area Median Income.

### **D. How Tax Exemption Will Benefit Residents**

100% of the property tax exemption is a direct subsidy for the residents. Every dollar reduction in operating costs is passed on as a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

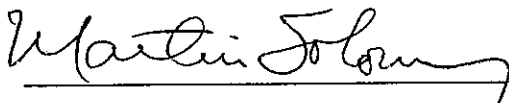
It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

### **E. Tax Exempt Status**

CPAH is general partner of the Villa La Paz Limited Partnership, a single asset entity established for the purpose of acquiring the apartments and qualifying for low-income housing tax credits. CPAH's IRS Determination Letter is attached. CPAH undergoes a full audit of its books annually, as does Greenburg Oaks. Both the State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development review the project and resident files annually.

### **F. Verification of Information**

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.

  
\_\_\_\_\_  
Martin Soloway, Deputy Director, Housing

2/16/05  
Date



INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1999

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:  
17053030720009

Contact Person:  
THOMAS E O'BRIEN

ID# 31187

Contact Telephone Number:  
(877) 829-5500

Our Letter Dated:  
February 1995

Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

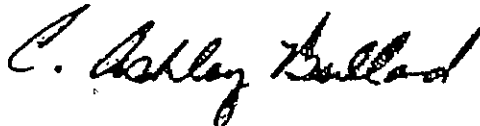
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)



REC'D/FILED FEB 28 2005

## **City of Tigard**

### **Application for Tax Abatement**

---

February 16, 2005

Village at Washington Square

11157-11163 SW Hall Boulevard, Tigard

**A. Property Description**

**B. Project's Charitable Purpose**

**C. Certification of Resident Income Levels**

**D. How Tax Exemption Will Benefit Residents**

**E. Tax Exempt Status**

**F. Verification of Information**

**G. IRS Letter**

## **A. Property Description**

**Village at Washington Square** is located at 11157-11163 SW Hall Boulevard, between SW Spruce and SW Pfaffle in Tigard. The site is located within the Washington Square Regional Center and is proximate to many employment opportunities as well as public transportation and other services. The Village at Washington Square includes three residential buildings with a total of 26 dwelling units, and a community building, all arranged around a central courtyard/play yard. The project includes one studio, seven one-bedroom, five two-bedroom, seven three-bedroom and six four-bedroom units. Eleven of the units are traditional apartments, while the other 15 are townhouse style homes with entrances on the second floor. The project includes a small green space with benches, a path and a butterfly garden. The total site sits on .84 acres.

**Legal Description:** Partition Plat 1998-038, Lot 1 and Partition Plat 1998-038, Lot 2 in the City of Tigard, County of Washington, State of Oregon

**Tax Lot:** 1S135DA (04600 & 04700)

## **B. Project's Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.**

The Village at Washington Square was the first addition of affordable units to the Tigard housing stock in a decade. The 26 units are priced to be affordable to very low-, low- and moderate-income residents on effectively a permanent basis. CPAH has entered into covenants with the state and Washington County to preserve The Village at Washington Square as affordable housing for a minimum of sixty (60) years. These covenants are recorded with the title of the property and require that rents will be affordable to households at 30%, 45% and 60% of area median income and significantly below market rents. Half of the units are three and four bedroom units to allow us to serve large low-income families who have often been unable to find larger, affordable units in Tigard.

CPAH maintains active partnerships with the Tigard Police Department, Tualatin Valley Fire & Rescue, Tigard Libraries, and the Tigard School District to enhance the safety and quality of life for residents and to be sure that our programs are well-coordinated with other community resources. CPAH works closely with Community Action and other agencies to provide information and referral as well as emergency services like food boxes and rent and utility assistance. Coordination agreements with social service programs such as HopeSpring (a partnership of Lutheran Family Services, Centers, Community Action Organization, Good Neighbor Center, Luke-Dorf, and Lifeworks, NW enhance ongoing case management and link stable housing with successful program outcomes.

The Community Center at The Village at Washington Square is the focal point of the support, skill building, and community building activities offered by CPAH through its resident services programs. CPAH's on-site three-computer learning center is used by youth for homework, research, e-mail, and educational games; and by adults for job search activities and Internet access.

In the past year, CPAH has offered a variety of adult services as well. These include Neighborhood Watch, classes in support of parenting skills, budgeting and other financial literacy skills, and nutritional shopping and cooking. The center is also host to weekly HopeSpring self-sufficiency classes.

The Village at Washington Square is located within a census tract (309) which has a higher than average concentration of low-income rental households. The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population base, it is home to nearly 16% of the city's minority households.

### **C. Certification of Resident Income Levels**

Resident income levels are verified upon application for tenancy. Residents may remain in their units as long as they income qualify at entry. Rents are well below the market for the area. We certify that all residents served by this property earned at or below 60% of the AMI.

### **D. How Tax Exemption Will Benefit Residents**

100% of the property tax exemption is a direct subsidy for the residents. Every dollar reduction in operating costs is passed on as a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

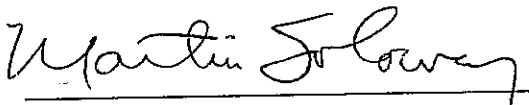
It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

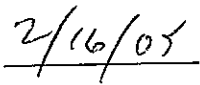
### **E. Tax Exempt Status**

CPAH is the general partner of the Village at Washington Square Limited Partnership, a single asset nonprofit corporation. CPAH's IRS Determination Letter is attached. CPAH undergoes full audit of its books annually, as does the Village at Washington Square. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development review the project and resident files annually.

### **F. Verification of Information**

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.

  
Martin Soloway, Deputy Director, Housing

  
Date

INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1995

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:  
17053030720009

Contact Person:  
THOMAS E O'BRIEN ID# 31187

Contact Telephone Number:  
(877) 829-5500

Our Letter Dated:  
February 1995

Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

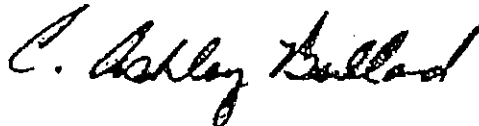
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)

## **City of Tigard**

### **Application for Tax Abatement**

---

~~April 1, 2004~~ February 16, 2005

Tangela Single Family Rental Home  
9330 SW Tangela

<b>A. Property Description</b>
<b>B. Project's Charitable Purpose</b>
<b>C. Certification of Resident Income Levels</b>
<b>D. How Tax Exemption Will Benefit Residents</b>
<b>E. Tax Exempt Status</b>
<b>F. Verification of Information</b>
<b>G. IRS Letter</b>

## **A. Property Description**

**Community Partners for Affordable Housing, Inc. acquired the single family "Tangela House" at 9330 SW Tangela in Tigard, on December 31, 1999, with assistance from the Washington County CDBG program and a loan from Washington Mutual Savings Bank. It is located just two blocks from CPAH's largest multifamily project, Greenburg Oaks (formerly Villa La Paz).**

The two story 1,916 square foot house sits on a 5,450 square foot lot and is zoned R-7 residential. CPAH converted an upstairs bonus room into a 5th bedroom and completed other necessary repairs after initial acquisition.

**Legal Description:** Barbee Court, Lot 1, Tigard, County of Washington, State of Oregon.

**Tax Lot:** 1S135DC-05300.

## **B. Project's Charitable Purpose**

**The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.**

CPAH acquired the four-bedroom single family home in order to assist the County and the Good Neighbor Center Shelter in meeting a "replacement unit" requirement triggered by the Uniform Relocation Act when the shelter acquired its current site and demolished a single family home housing a low-income family. CPAH completed needed repairs and upgraded the home to a five-bedroom dwelling, in order to provide a rare opportunity in our community — an affordable single-family rental house for a very large family. The current residents have been stably housed for more than three years, providing a home setting in a quiet residential neighborhood for this family to grow up in.

The home is proximate to CPAH's Greenburg Oaks property, where management and resident services are available. The residents of this home are very low-income and eligible for services CPAH offers and coordinates. These services include a computer center, community room, neighborhood watch, Individual Development Account grants, and other programs. The resident services coordinator and property management staff visit the home on a regular basis to ensure that the property is well managed and to maintain an ongoing relationship with the residents.

The home is located within a census tract (309) which has a higher than average concentration of low-income rental households. The number of residents without a high school diploma is notably higher than for Tigard as a whole (15% vs. 9%). This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population base, it is home to nearly 16% of the city's minority households.

## **C. Certification of Resident Income Levels**

Resident income level is verified upon application, and must be less than 60% of the area's median income. Income is recertified annually. The current tenant holds a Section 8 certificate and is also recertified by the Housing Authority of Washington County for continuing

qualification for that program. We certify that all residents served by this property earned at or below 60% of the AMI.

#### **D. How Tax Exemption Will Benefit Residents**

100% of the property tax exemption is passed on as a direct subsidy for the residents. Every dollar reduction in operating costs results in a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

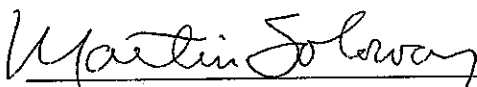
It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

#### **E. Tax Exempt Status**

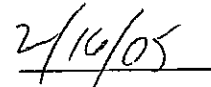
CPAH is direct owner of the Tangela property and is a nonprofit 501(c)(3) organization. Our operations are audited annually to, among other things, confirm that we are in compliance with our charitable status and with requirements of the County grant and Washington Mutual loan documents.

#### **Verification of Information**

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.



Martin Soloway, Deputy Director, Housing



Date



INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

MAR 11 1995

COMMUNITY PARTNERS FOR AFFORDABLE  
HOUSING  
PO BOX 23206  
TIGARD, OR 97281-3206

Employer Identification Number:  
93-1155559

DLN:  
17053030720009

Contact Person:  
THOMAS E O'BRIEN ID# 31187

Contact Telephone Number:  
(877) 829-5500

Our Letter Dated:  
February 1995

Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

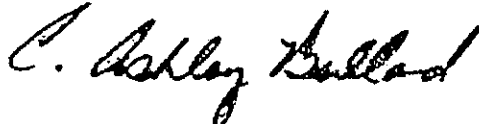
Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)



## MEMORANDUM

### CITY OF TIGARD

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TO: Tom Imdieke  
FROM: Duane Roberts  
DATE: 3/14/05  
SUBJECT: Applications for Tax Abatement

The Beaverton-based Tualatin Valley Housing Partners (TVHP) has submitted an application for a City low-income housing tax exemption for the 119-unit Hawthorne Villa, located at 7705 SW Pfaffle Street in the incorporated Metzger area.

TMC 3.50.020, "Nonprofit corporation low income housing; exempt criteria", provide standards for considering exemption requests. These criteria and whether and how the TVHP application meets each criterion are reviewed below.

**1. The property is owned or being purchased by a corporation that is exempt from income taxes under section 501(c) (3) or (4) of the Internal revenue Code . . .**

A copy of an Internal Revenue Service letter, dated October 7, 1999, verifies that TVHP qualifies as a 501(c) organization. The property in question is owned by TVHP in partnership with a for-profit Limited Partner/Managing General Partner. A letter from the Executive Director (attached) states that TVHP is in the process of acquiring, the ownership interest held by the current partner. This interest appears to be limited to the management of the property. The completion of this transfer would establish TVHP as the sole owner and operator of the Hawthorne Villa complex.

**2. Upon liquidation, the assets of the corporation are required to be applied first in payment of all outstanding obligations, and the balance remaining, in cash and in kind, to be distributed to corporations exempt**

**from taxation and operated exclusively for religious, charitable, scientific, literary or educational purposes or to the State of Oregon.**

The list of submittal requirements under TMC 3.50.040 does not include any reference to information on asset liquidation, and the TVHP application does not contain any such information. Tom Benjamin, TVHP Executive Director, verbally has advised staff that the organization's incorporation papers assign the organizations assets, upon liquidation, to a 501(c) 3 non-profit, engaged in activities similar to those of TVHP.

**3. The property is occupied by low income persons.**

The TMC defines low income as household income at or below 60% of area median. According to the TVHP Executive Director, tenant income is verified upon application and is re-certified on an annual basis. Household income at or below 60% of median is the cut-off for new and continued rental unit occupancy. Currently, the income level of some 56% of tenant households is at or below 30% of median. Many of the Hawthorne Villa tenants are "case managed", or current clients of public and non-profit social service providers.

**4. The property or portion of the property receiving the exemption is actually and exclusively used for the purposes described in section 501 (c) (3) or (4) of the Internal Revenue Code . . .**

The application certifies and a current-year staff visit to the Hawthorne Villa complex confirms that all the property is exclusively used for the intended purposes.

**5. The exemption has been approved as provided in section 3.50.050**

This criterion relates to the required City process for handling exemption requests.

**Conclusion:**

TVHP was established some years ago by the County Community Action Agency. Hawthorne Villa was the agency's first project. This is the first time that TVHP has submitted an application to the City for tax abatement. The request meets all of the qualifying criteria established in TMC 3.50.020, notwithstanding the for-profit status of the complex's current general/management partner.

The "Affordable Housing Program", adopted in 9/03 as "a complete and official statement of the City's overall affordable housing program", includes tax abatement as one of the City's strategies for facilitating affordable housing in the community. Its purpose is to allow the operators of low-income housing to decrease annual operating expenses, thereby allowing them to serve lower-income households. Granting the requested tax exemption to TVHP would be

consistent with the applicable TMC standards and also with the adopted City housing policy.

This approval recommendation is contingent on TVHP successfully completing the transfer of ownership interest from the current for-profit entity to TVHP before July 1, 2005, and by providing to the City Finance Department proof of sole ownership in the form of a title transfer instrument, deed, title report, or other relevant documentation.

i/lrpn/dr/affordablehousing.tax.exempt.05.TVHP



# Tualatin Valley Housing Partners

*A Community Development Corporation  
Serving Washington County*

REC'D/FEB 23 2005

February 17, 2005

City of Tigard  
Finance Department  
Tom Imdieka  
13125 SW Hall Boulevard  
Tigard, OR 97223

Atten: Tom Imdieka

RE: Property Tax Exemption  
Low Income Housing Operated by a Non-profit

Dear Mr. Imdieka:

Thank you for returning my call this morning.

My name is Tom Benjamin and I am Executive Director of Tualatin Valley Housing Partners, a non-profit Community Development Corporation that develops and manages low income housing in Washington County. We are a non-managing General Partner of a low income housing tax credit project in Tigard named Hawthorne Villa at 7705 SW Pfaffle. It has 119 units with an average rent of \$485. We are currently negotiating with the Limited Partner and the current Managing General Partner to acquire the duties and responsibilities of the Managing General Partner.

This letter is submitted along with the information required by Chapter 3.50.040 as an explanation of how acquiring the Managing General Partner (MGP) duties qualifies as an "acquisition" and makes the project eligible for property tax exemption. We've had several conversations with CPAH concerning the process and history for obtaining the exemption. Although the acquisition will not occur by March 1, the current MGP must complete a transaction before July 1, 2005 and that should still allow us to apply for an exemption under 3.50.040.A. I am not aware of any specific forms required for this application. If there are any, please let me know as soon as possible.

I'm submitting this application in advance of the March 1 deadline because confirmation of the property tax exemption is an important part of the negotiations with the for-profit MGP to amend the partnership agreement and take over the duties and obligations of the MGP. The current MGP is interested in transferring their responsibilities because the project is doing very poorly in financial terms and because they have had a change in their parent organization's policy about being a General Partner. They must find a new MGP.

TVHP wishes to take over this responsibility because we feel we can better manage the operation and use the project to better serve community interests. Over the last year, TVHP has taken a stronger (although informal) role in improving the property. We have arranged for placement of case managed clients from social service agencies like Luke-Dorf, and we obtained energy conservation grant funds from Community Action Organization to repair and replace windows, doors, and refrigerators. We also hope to take over direct property management duties from the current third party property management

6160 SW Main Street, Beaverton, OR 97008  
PO Box 1505, Beaverton, OR 97075  
PH: 503-641-5437 • FX: 503-350-0707

company in April 2006. Further, the current project budget calls for a rent increase totaling \$47,000 in order to reach the breakeven point. The project has lost money for the last few years which has been paid by the current MGP. TVHP understands the need for a rent increase, but feels that this will have a substantial adverse impact on the residents and the property.

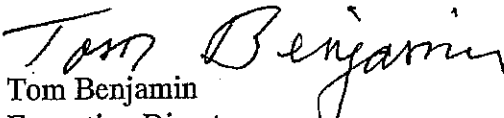
As a non-profit MGP, it appears that we may be eligible for property tax exemption under Chapter 3.50 of the Tigard Municipal Code. If we are eligible for the property tax exemption, it would reduce our costs by \$37,000 and allow us to reduce or eliminate the proposed rent increase. In addition, without this exemption, the TVHP Board might not be willing to take the risks of becoming responsible for the operations.

The Tigard Municipal Code, Chapter 3.50 appears to be based on the ORS beginning at 307.540 with which I have a great deal of experience. The following statements address how our proposed acquisition meets the requirement of the Code:

1. 3.50.020 A. 1-4 – TVHP, as the party acquiring the Managing General Partner interest in the property, meets the requirement of this section as a 501(c) (3) organization that was formed in 1994 and operates 5 other properties in Washington County. The property is rent restricted and is limited to residents earning less than 60% of area median income. It was purchased in 1996 using tax exempt bonds and “4%” tax credits. As a measure of the urgency for this acquisition, the current MGP will have to forgive fees owed to them that could exceed \$900,000, and TVHP will need to forgive fees that could exceed \$140,000.
2. 3.50.020 B. – Not applicable since this is not a lease arrangement.
3. 3.50.020 C. – This property is owned by a partnership of which TVHP is currently a non-managing General Partner with no financial liability and no formal management responsibility. As MGP, TVHP will assume the responsibilities for the day to day operation of the property including payment of any property tax which meets the requirements of this section.
- 4.

Please call me at 503-641-5437 if you need any questions concerning our acquisition. We look forward to working with the City more closely as a result of this change.

Sincerely,

  
Tom Benjamin  
Executive Director.

Application for property tax exemption under Chapter 3.50 of the Tigard Municipal Code.

1. Description of the property.

- a. Legal owner: Hawthorne Villa Limited Partnership
- b. Tax account number: R282429
- c. Address: 7705 SW Pfaffle, Tigard 97223
- d. Date partnership formed: 1996
- e. Original funding source: Tax exempt bonds and 4% tax credits
- f. Current General Partner mailing address: Ron Salgado  
PNC MultiFamily Capital  
121 SW Morrison, Suite 1300  
Portland, OR 97204-3635
- g. Type use: 119 multi-family rental apartments  
30 studios, 83 1-bedroom, 5 2-bedroom, 1 house

2. Charitable purpose:

100% of the apartments are restricted by the investor, lender, and State of Oregon (with a restrictive covenant recorded on the deed) to residents earning less (and often much less) than 60% AMI. The maximum rental rates that may be charged are limited to 30% of the income of a family earning 60% of AMI. Rental rate maximums are set annually by HUD.

TVHP's mission is:

Tualatin Valley Housing Partners promotes self-sufficiency through affordable housing for low and moderate income people throughout the Tualatin Valley.

We accomplish our mission by meeting our objectives:

- Acquiring, renovating & preserving existing affordable housing
- Building partnerships with for-profit, nonprofit & public sector developing new affordable housing
- Creating computer centers that enable residents increased access to information & job skills
- Design housing sited to increase access to job opportunities & services via public transportation
- Expand on-site resident-centered services that increase access community resources

3. TVHP hereby certifies that all of the residents at Hawthorne Villa meet the requirement of IRS Section 42 income restrictions for projects limited to those earning 60% or less of Area Median Income.

4. Resident benefits of the property tax exemption:

The tax exemption of approximately \$37,000 will be used to reduce or eliminate the rent increase necessary to offset the current projected deficit of \$47,000.

5. A copy of the IRS 501 (c) (3) exemption is attached.

I hereby certify that the above information is correct.

Tom Benjamin 2/17/05  
Tom Benjamin, Executive Director, TVHP as current General Partner and prospective Managing General Partner.



MAR-14-2005 11:48 T U H P  
INTERNAL REVENUE SERVICE  
DISTRICT DIRECTOR  
P. O. BOX 2508  
CINCINNATI, OH 45201

P.02  
DEPARTMENT OF THE TREASURY

Date: OCT 07 1995

TEALATIN VALLEY HOUSING PARTNERS  
C/O DAN OLEARY  
PO BOX 1505  
BEAVERTON, OR 97075-1505

Employer Identification Number:  
93-1152592  
DLN:  
17053255759028  
Contact Person:  
D. A. DOWNING  
Contact Telephone Number:  
(513) 241-5199  
Our Letter Dated:  
February 1995  
Addendum Applies:  
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

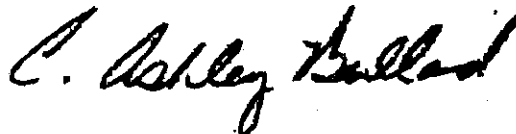
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If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,



District Director

Letter 1050 (DO/CG)

TOTAL P.02

CITY OF TIGARD, OREGON  
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Renewal of Contribution of Franchise Fees for Public, Education, and Government (PEG) Access

PREPARED BY: Gary Ehrenfeld DEPT HEAD OK cl CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Does the City Council want to support the proposed budget MACC Commission's budget proposal for PEG Access?

STAFF RECOMMENDATION

Accept the recommendation of MACC to set Tigard's PEG fees at \$56,654 per year.

INFORMATION SUMMARY

The MACC IGA requires that member jurisdictions decide all issues related to the allocation of franchise fees. These decisions also require all fourteen MACC jurisdictions agree on these issues. Currently, a portion of the city's franchise fees support MACC franchise administration/regulatory efforts, and the city currently provides 15% of its cable franchise share for PEG operations. Under the Commission's proposal for future PEG funding, the city's share would no longer be a percentage of franchise fees, but would instead be a proportionate share of a \$500,000 annual PEG budget amount (adjusted annually by a COLA).

The Commission has also recommended that \$500,000 of the operating reserves accumulated by the nonprofit TVTV organization be returned to the jurisdictions. These will be distributed, in proportionate shares, during the first quarter of FY06.

The Commission plans for the remaining PEG operating reserves to be retained and invested annually to supplement the funding provided by the jurisdictions.

OTHER ALTERNATIVES CONSIDERED

Set a different contribution amount.

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life Goal #1) Citizen involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information in a variety of formats, providing opportunities for input on community issues and establishing and maintaining a program of effective two-way communication.

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### ATTACHMENT LIST

1. Letter from Metropolitan Area Communications Commission dated March 25, 2005.  
Attachment A: Commission Definitions of Government and Community Programming  
Attachment B: Franchise Fees from MACC Jurisdictions for PEG

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### FISCAL NOTES

Proposed budget would decrease the City's payment \$6,920 per year. They City would also receive a one time payment of proximally \$56,000 from the \$500,000 of PEG operating reserves.

# MACC

## METROPOLITAN AREA COMMUNICATIONS COMMISSION

cc: Council  
Gary Ehrenfeld  
Craig P.

REPRESENTING THE COMMUNITIES OF BANKS, BEAVERTON, CORNELIUS, DURHAM, FOREST GROVE, GASTON, HILLSBORO, KING CITY, LAKE OSWEGO, NORTH PLAINS, RIVERGROVE, TIGARD, TUALATIN AND WASHINGTON COUNTY  
Cable TV Franchise Regulation • Telecommunications Advice and Support • Public Communications Network (PCN)

March 25, 2005

RECEIVED C.O.T.

MAR 28 2005

Administration

**TO: CRAIG DIRKSEN, MAYOR  
CRAIG PROSSER, INTERIM CITY MANAGER**

**FROM: SALLY HARDING, MACC COMMISSIONER  
AND BRUCE CREST, MACC ADMINISTRATOR**

**RE: INFORMAL MEETING TO DISCUSS FUTURE PEG ACCESS FUNDING  
AND SERVICES**

Thank you for providing us with an opportunity to discuss proposed funding for Public, Education and Government (PEG) Access television. We expect the Commission to make a funding recommendation to MACC jurisdictions after their May 5 meeting. This PEG funding would be effective on July 1, 2005, replacing the current MACC jurisdiction funding which expires on June 30, 2005.

**Short History of PEG Access** – MACC originally managed PEG Access in 1988, after a failed attempt by the cable operator to manage the program. MACC created Tualatin Valley Community Access or TVCA (now know as Tualatin Valley Television - TVTV) into an award-winning PEG program. In 1994, MACC decided to contract with a new nonprofit entity they helped form, and TVCA operated under nonprofit management until last February when the Commission decided to return PEG Access to be managed by MACC.

**New MACC PEG Emphasis** – Under MACC management, TVTV will place more emphasis on government and community programming in our service area (see definitions in Attachment A). The Budget Committee is preparing a plan to distribute the program deliverables to jurisdictions and will bring this proposal to your informal meeting. The proposal will address production of government and community programs as well as continuation of current council/commission meeting coverage, since one of MACC's goals is to increase TVTV's outreach to MACC jurisdictions.

MACC will also work closely with area educational groups to increase their participation in PEG programming. And, although a Public Access component will be maintained, providing individual citizens an opportunity to learn how to produce their own programs, these services will be at a more modest level.

**MACC Governance and Franchise Fee Funding** – Although the Commission makes most of the policy decisions for MACC, the IGA requires that member jurisdictions decide all issues related to the allocation of franchise fees. These decisions also require all fourteen MACC jurisdictions agree on these issues. Currently, a portion of your franchise fees support MACC franchise administration/regulatory efforts, and your jurisdiction currently provides 15% of your

cable franchise share for PEG operations. Under the Commission's proposal for future PEG funding, your PEG share would no longer be a percentage of franchise fees, but would instead be a proportionate share of a \$500,000 annual PEG budget amount (adjusted annually by a COLA). The chart in Attachment B, shows the proposed jurisdiction shares of that amount.

The Commission has also recommended that \$500,000 of the operating reserves accumulated by the nonprofit TVTV organization be returned to the jurisdictions. These will be distributed, in proportionate shares, during the first quarter of FY06.

The Commission plans for the remaining PEG operating reserves to be retained and invested annually to supplement the funding provided by the jurisdictions. Although MACC's planned \$550,000 PEG funding level in FY 05/06 is \$70,000 less than what TVTV received this year from the jurisdictions, we believe it will provide a sound, basic PEG program. Jurisdictions that want PEG services above the basic amount will be able to separately contract with MACC for such services.

**TVTV – MACC Management Transition** – We have begun the transition from nonprofit TVTV management to MACC management. Since the transition time period is short, and we have much to learn from TVTV, we hope to carry forward most of their current program into FY 05/06. We also hope to retain many of their current staff to make the transition even smoother. Once the transition is complete, MACC will have more time to review TVTV's operations and can further fine-tune and adjust them as needed.

**Goal for the Informal Meetings** – Since the MACC IGA requires unanimous consent from all 14 jurisdictions for any PEG funding proposal, and this consent needs to be granted in a very short time period, our Budget Committee wanted us to share the proposed PEG funding and services package with you, prior to bringing a formal recommendation to your council. Although we know you can't guarantee your Council's affirmative vote on PEG funding, your insights and opinions will provide us with valuable guidance which we can share with the Commission as they prepare their final recommendation.

We look forward to answering your questions and hearing your thoughts on our proposal – thank you for taking time to meet with us.

Attachments: A – Definitions of Government and Community Programming  
B – Jurisdictional PEG Support Chart – Current and Proposed

**Commission**  
**Definitions of Government and Community Programming**  
(September 2004)

The following are proposed definitions for the terms "Government Programming" and "Community Programming" to describe production services to be provided by TVTV. In some cases, the lines between these types of programs can be blurred because government and community are often closely related.

**Government Programming** – Programming produced by, for, or about government or government functions, as authorized by a MACC jurisdiction.

Examples of government programs include:

- Meetings – councils; commissions; boards; other government-sanctioned bodies; and public hearings held by these bodies.
- Events – town hall meetings; community meetings; press conferences; and public speeches or presentations (i.e., State of the City Address); ground breakings; etc. Also would include recognized Sister City, neighborhood, citizen participation organizations; etc.
- Public Information – public service announcements (PSAs); events or promotions; public safety, health, emergency information; general informational programs (i.e., "Talk of the Town"); economic development promotions; citizen call-in programs (i.e., "Ask Your Legislator"); library service programs (i.e., Cornelius Library 90<sup>th</sup> Anniversary); legislative hearings/sessions (i.e., via OPAN), or other presentations about government services.
- Employee Training/Information – job safety training; PERS retirement; health information; FEMA/Homeland Security information; employee information/meetings for government employees, etc.

**Community Programming** – Programming about significant events, people, groups, places, and things related to the community, as authorized by each MACC jurisdiction.

Examples of these community programs include:

- Organizations – Chamber of Commerce (i.e., Hillsboro Chamber Awards Banquet), civic/arts/cultural/ethnic organizations (i.e., Video Voters Guide); educational/civic groups (i.e., WA. County Public Affairs Forum); etc.
- Events – parades (i.e., North Plains Garlic Festival Parade); festivals; fairs; anniversaries or historical celebrations (i.e., Lake Oswego Heritage Council Mayor's Forum); recreation or athletic events; community symposiums, seminars, or meetings (i.e., Hillsboro Agricultural Symposium); etc.

## Franchise Fees from MACC Jurisdictions for PEG

Column descriptions below -->

FY06 JURISDICTION	A Estimated Franchise Fee Revenue During FY06		C FY05 PEG Support at 15%, 17% or 19%	D Proposed PEG Support for FY06	E FY06 more or (less) than FY05
	Fee Revenue	% of Total			
Banks	\$ 9,882	0.4%	\$ 1,835	\$ 1,282	\$ (553)
Beaverton	\$ 633,359	25.1%	\$ 111,397	\$ 82,145	\$ (29,252)
Cornelius	\$ 44,663	1.8%	\$ 7,820	\$ 5,793	\$ (2,027)
Durham	\$ 13,221	0.5%	\$ 1,415	\$ 1,715	\$ 300
Forest Grove	\$ 116,216	4.6%	\$ 19,867	\$ 15,073	\$ (4,794)
Gaston	\$ 3,654	0.1%	\$ 722	\$ 474	\$ (248)
Hillsboro	\$ 563,838	22.4%	\$ 95,848	\$ 73,128	\$ (22,720)
King City (2)	\$ 38,356	1.5%	\$ -	\$ 4,975	\$ 4,975
Lake Oswego	\$ 425,575	16.9%	\$ 61,520	\$ 55,196	\$ (6,324)
North Plains	\$ 11,119	0.4%	\$ 1,856	\$ 1,442	\$ (414)
Rivergrove	\$ 3,001	0.1%	\$ 510	\$ 389	\$ (121)
Tigard	\$ 436,816	17.3%	\$ 63,574	\$ 56,654	\$ (6,920)
Tualatin	\$ 221,355	8.8%	\$ 34,745	\$ 28,709	\$ (6,036)
Washington County (1)	\$ 1,334,081	52.9%	\$ 217,723	\$ 173,026	\$ (44,696)
<b>TOTALS</b>	<b>\$ 2,521,054</b>	<b>100.0%</b>	<b>\$ 401,109</b>	<b>\$ 500,000</b>	<b>\$ 98,891</b>

(1) Amounts for Washington County are the combined estimates from their MACC Franchise and their separate County Franchise with Comcast. PEG funding is supplied from both.

(2) King City ceased paying PEG support January 1, 2004. Column C includes King City support for FY 06.

**Column descriptions:**

A--> Estimated FY06 franchise fees for each jurisdiction.

B--> Percentage of total estimated FY06 franchise fees for each jurisdiction.

C--> Estimated amount each jurisdiction will pay for PEG during FY05, based on existing percentage franchise fee commitments.

D--> Amount each jurisdiction would pay for PEG, based on their share of estimated FY06 franchise fee revenues and proposed PEG funding of \$500,000. (This also 'approximates' the jurisdiction's share of the \$500,000 of PEG operating reserves that will be returned to jurisdictions.)

E--> The difference between the FY06 and FY05 amounts each jurisdiction would pay for PEG, based on this proposal.